

THURSDAY, APRIL 8, 1982

EIGHTY-EIGHTH LEGISLATIVE DAY

The House met at 11:00 a.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Ben Alford, Slaters Chapel Methodist Church, Millersville, Tennessee.

Representative Davidson led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 70

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Duer, Ford, Frensley, Gaia, Gill, Harrill, Hillis, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), McAfee, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton--70.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution No. 147; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Resolution No. 147.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 2120 and 2148; both signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 2120 and 2148; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

2217--To levy tax on lodgings, Morristown.

2345--To make certain provisions, mayor and aldermen, Dyersburg;

2362--To impose certain privilege taxes, Cocke County;

2368--To regulate Board of Education, Hamblen County;

2369--To provide for election of road commissioners, Hamblen County;

2371--To levy tax on lodgings, Dyersburg; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 687, 1292, 1504, 1597, 1904, 2059, 2205 and 2234; and House Joint

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Resolution No. 406, with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

2304--To amend Charter, Townsend;

2325--To levy tax on lodgings, Blount County; both substituted for Senate Bills on same subject, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 1477, 1548, 1574, 1598, 1771, 1841, 1875, 1876, 1881, 1888, 1893, 1894, 2042, 2066, 2082, 2094, 2096, 2128, 2130, 2141, 2152, 2159, 2162, 2219, 2232 and 2260; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 1477, 1548, 1574, 1598, 1771, 1841, 1875, 1876, 1881, 1888, 1893, 1894, 2042, 2066, 2082, 2094, 2096, 2128, 2130, 2141, 2152, 2159, 2162, 2219, 2232 and 2260.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

2235--To grant certain authority, county clerks, certain counties;

2305--To establish budget committee, Chester County; both substituted for Senate Bills on same subject, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CALENDAR

House Bill No. 1085--To provide for preservation, historic zones and districts.

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On motion, House Bill No. 1085 was made to conform with Senate Bill No. 1416.

On motion, Senate Bill No. 1416, on same subject, was substituted for House Bill No. 1085.

Mr. Covington moved that Senate Bill No. 1416 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Byrd, Carter, Chiles, Clark (Summer), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), McAfee, McNally, Montgomery, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--79.

A motion to reconsider was tabled.

House Bill No. 1485--To make certain provisions, privilege taxes.

On motion, House Bill No. 1485 was made to conform with Senate Bill No. 1539.

On motion, Senate Bill No. 1539, on same subject, was substituted for House bill No. 1485.

Mr. Davidson moved that Senate Bill No. 1539 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	82
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), McAfee, McNally, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes,

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Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--82.

A motion to reconsider was tabled.

House Resolution No. 107--Relative to study nuclear plants, T.V.A.

Mr. Bell (Wilson) moved that House Resolution No. 107 be adopted, which motion prevailed by the following vote:

Ayes	74
Noes	4
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), McNally, Miller, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--74.

Representatives voting no were: Bewley, Chiles, Scruggs and Spence--4.

Representatives present and not voting were: Carter, McAfee and Webb--3.

A motion to reconsider was tabled.

House Bill No. 876--To amend Title 36, Chapter 12, Code.

On motion, House Bill No. 876 was made to conform with Senate Bill No. 1164.

On motion, Senate Bill No. 1164, on same subject, was substituted for House Bill No. 876.

Mr. Cobb moved that Senate Bill No. 1164 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1164 by deleting Sections 2 and 3 in their entireties.

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On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1164, as amended, passed its third and final consideration by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

House Bill No. 1854--To amend Section 37-279, Code.

On motion, House Bill No. 1854 was made to conform with Senate Bill No. 1468.

On motion, Senate Bill No. 1468, on same subject, was substituted for House Bill No. 1854.

Mr. Cobb moved that Senate Bill No. 1468 be passed on third and passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery,

Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

A motion to reconsider was tabled.

House Bill No. 1856--To provide for staff, Council of Juvenile Court Judges.

On motion, House Bill No. 1856 was made to conform with Senate Bill No. 1467.

On motion, Senate Bill No. 1467, on same subject, was substituted for House Bill No. 1856.

Mr. Cobb moved that Senate Bill No. 1467 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1467 by adding the following new section immediately preceding the final section and by renumbering the final section accordingly:

SECTION ____ . The provisions of this act shall not be construed to constitute an appropriation of funds and no funds shall be expended to implement the provisions of this act unless such funds are specifically appropriated for such purpose by the provisions of the General Appropriations Act (S.B. #1926/H.B. 1739).

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1467, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner,

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Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representative no was: Harrill--1.

A motion to reconsider was tabled.

Mr. Cobb moved that House Bill No. 2055 be placed on the next available Calendar, which motion prevailed.

House Bill No. 1527--To amend Government Tort Liability Act.

On motion, House Bill No. 1527 was made to conform with Senate Bill No. 1702.

On motion, Senate Bill No. 1702, on same subject, was substituted for House Bill No. 1527.

Mr. Murphy (Davidson) moved that Senate Bill No. 1702 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--86.

Representatives voting no were: Davis (Pickett) and Harrill--2.

A motion to reconsider was tabled.

House Bill No. 2074--To make certain provisions, low-income housing.

On motion, House Bill No. 2074 was made to conform with Senate Bill No. 2214.

On motion, Senate Bill No. 2214, on same subject, was substituted for House Bill No. 2074.

Mr. Murphy (Davidson) moved that Senate Bill No. 2214 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2214 by deleting Section 7 in its entirety, and by substituting instead the following effective date section:

SECTION 7. This act shall take effect on the first day of the month following action by the Congress of the United States which prohibits or restricts the use of bonds in areas included in the definition of "project" under the provisions of this act, which are authorized and included in "project" definitions for the use of bonds under the federal law and the law of the state of Tennessee prior to the date of any such action by Congress.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2214, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives voting no were: Copeland, Shirley and Small--3.

A motion to reconsider was tabled.

Mr. McKinney moved that the rules be suspended for the purpose of considering House Bill No. 1489 out of order, which motion failed by the following vote:

Ayes	63
Noes	22
Present and not voting	1

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Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Hillis, Hudson, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Lashlee, McKinney, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sir, Spence, Stallings, Starnes, Tanner, Wallace, Wheeler, Whitson, Wix, Work, Yelton and Mr. Speaker McWherter --63.

Representatives voting no were: Bewley, Chiles, Duer, Duncan, Frensley, Harrill, Henry (Roane), Hurley, Huskey, Kent, McNally, Moore, Percy, Robertson, Scruggs, Shockley, Stafford, Sterling, Ussery, Webb, Wolfe and Wood--22.

Representative present and not voting was: Crain--1.

Mr. Kelley moved that House Bill No. 1953 be re-referred to the Committee on Calendar and Rules which motion prevailed.

House Bill No. 1799--To reimburse provisions for certain costs.

Mr. Baker moved that House Bill No. 1799 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1799 by adding the following language at the end of Section 1:

The evaluation committee created by Tennessee Code Annotated, Section 4-29-103, shall review the guidelines which are promulgated or revised under the provisions of this act before such guidelines shall become effective.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 1799 by deleting the first sentence of Section 3 in its entirety and by substituting instead the following:

It shall be the duty of the court who sentences a defendant to imprisonment to determine, at the time of sentencing, the income level and other assets of such defendant based on whatever investigation is deemed necessary in the discretion of the court.

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AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section____. The provisions of this act shall not be construed to constitute an appropriation of funds and no funds shall be expended to implement the provisions of this act unless such funds are specifically appropriated for such purpose pursuant to the provisions of the general appropriations act.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1799, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representatives voting no was: Murphy (Shelby)--1.

A motion to reconsider was tabled.

House Bill No. 1489--To adjust federal taxable income, excise tax.

Mr. McKinney moved that House Bill No. 1489 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1489 by deleting the amendatory language of Section 1 and by substituting instead the following:

(7) Any expense or depreciation premitted as a deduction in computing federal taxable income solely as a result of lease characterizations permitted under Section 168 of the Economic

Recovery Tax Act of 1981 which would not have been permitted in the absence of such act; it being the legislative intent that excise tax revenue not be reduced due to lease characterizations made for the purpose of transferring investment tax credits and depreciation allowances from one business entity to another.

AND FURTHER AMEND by deleting Sections 2 and 3 in their entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 67-2704 (b), is amended by adding the following new subsections:

(9) Any amount included in federal taxable income solely as a result of lease characterizations permitted under Section 168 of the Economic Recovery Tax Act of 1981 which would not have been permitted in the absence of such act;

(10) Any amount of depreciation or other expense which the taxpayer could have deducted in computing federal taxable income had it not made the election to enter into a lease transaction permitted under Section 168 of the Economic Recovery Tax Act of 1981 which would not have been permitted in the absence of such act.

SECTION 3. This Act shall become effective upon becoming law, the public welfare requiring it, but shall be applicable to returns filed for fiscal years ending on or after July 15, 1981.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1489, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspanne, Duer, Duncan, Ellis, Ford, Frenshley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

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Representative present and not voting was: Owen--1.

A motion to reconsider was tabled.

House Bill No. 2292--To impose penalties for malicious trespass.

On motion, House Bill No. 2292 was made to conform with Senate Bill No. 1417.

On motion, Senate Bill No. 1417, on same subject, was substituted for House Bill No. 2292.

Mr. Pickering moved that Senate bill No. 1417 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	4

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --89.

Representatives voting no were: Bell (Knox), DeBerry, Small and Spence--4.

A motion to reconsider was tabled.

House Bill No. 1885--To regulate educational programs, Meharry Medical College.

On motion, House Bill No. 1885 was made to conform with Senate Bill No. 1766.

On motion, Senate Bill No. 1766, on same subject, was substituted for House Bill No. 1885.

Mr. Robinson (Hamilton) moved that Senate Bill No. 1766 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes	84
Noes	5
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--84.

Representatives voting no were: Harrill, Moore, Percy, Scruggs and Stafford--5.

Representative present and not voting was: Bell (Knox)--1.

A motion to reconsider was tabled.

House Bill No. 2111--To amend Title 8, Chapter 30, Code.

On motion, House Bill No. 2111 was made to conform with Senate Bill No. 2230.

On motion, Senate Bill No. 2230, on same subject, was substituted for House Bill No. 2111.

Mr. Robinson (Hamilton) moved that Senate Bill No. 2230 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	81
Noes	8
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Spence, Stallings, Starnes,

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Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--81.

Representatives voting no were: Duer, Frensley, McNally, Moore, Scruggs, Small, Stafford and Wolfe--8.

Representative present and not voting was: Duncan--1.

A motion to reconsider was tabled.

Mr. Hillis moved that the rules be suspended for the purpose of introducing House Resolution No. 155 out of order, which motion prevailed.

House Resolution No. 155--Relative to recognizing Geraldine D. Heidbreder and Marjorie S. Scott--By Hillis.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Hillis, the resolution was adopted.

A motion to reconsider was tabled.

On motion of Mr. Work, Senate Bill No. 2397 was recalled from the Senate for further consideration.

Ms. DeBerry moved that House Joint Resolution No. 393 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 1637--To create the Tennessee Parkway System.

On motion, House Bill No. 1637 was made to conform with Senate Bill No. 1912.

On motion, Senate Bill No. 1912, on same subject, was substituted for House Bill No. 1637.

Mr. Whitson moved that Senate Bill No. 1912 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1912 by deleting the second sentence of Section 3 in its entirety.

AND FURTHER AMEND by deleting all sections following Section 3 in their entirety and by substituting instead the following:

Section 4. There is created a special joint study committee composed of three (3) members of the senate transportation committee and three (3) members of the house transportation committee to be appointed by the respective chairmen of such committees with the approval of the respective speakers. Such committee shall study the parkway system created by the provisions of this act. Such study shall include, but not be limited to, proposals or additions or deletions to such system, control and maintenance of such system, and the method and criteria to be used in the future for making additions and deletions to the parkway system. Such committee shall report its findings and recommendations, including proposed legislation, to the ninety-third general assembly prior to January 15, 1983, at which such time such committee shall cease to exist. All members of such committee shall remain members of the committee until such report is made and shall be paid as members of the general assembly are paid for attending legislative meetings as provided in Tennessee Code Annotated, Section 3-1-106.

Section 5. The department of transportation is directed to erect suitable route and promotional markers for such system. The cost of erecting such markers shall be paid from appropriations made to such department.

Section 6. All outdoor advertising structures issued a permit prior to the effective date of this act shall be valid. These structures shall be able to be maintained, repaired, reconstructed or constructed according to the original application for the outdoor advertising permit.

Section 7. The provisions of Tennessee Code Annotated, Title 54, Chapter 17, relative to advertising structures and junkyards and trash dumping shall apply to the system; provided, however that the foregoing shall not apply to those parts of the system lying within any comprehensively zoned area unless otherwise provided by the zoning regulations; and provided further, that the commissioner of transportation may authorize the construction of advertising structures described in Section 54-17-109 (1) no larger than five hundred square feet (500 sq. ft.) in accordance with criteria contained in rules and regulations that he is hereby authorized to promulgate.

Section 8. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1912 by deleting Section 1 in its entirety and by substituting instead the following:

Section 1. This act shall be known and may be cited as the "Al Gore, Ross Bass, Robb Robinson Parkway Act of 1982".

Mr. Robinson (Davidson) moved that the Amendment No. 2 be tabled, which motion prevailed.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 1912 by adding the following as a new section immediately preceding the effective date section, renumbering subsequent sections accordingly:

Section _____. Tennessee Code Annotated, Title 54, Chapter 21, is amended by adding the following as a new section to be appropriately numbered:

Section _____. Any advertising structure existing along the parkway system by and for the sole benefit of an educational, religious or charitable organization shall be exempt from the payment of fees for permits or tags under Section 54-21-104.

On motion, the amendment was adopted.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 1912 by adding a new section, as follows, immediately before the effective date section and by renumbering the effective date section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1912, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry,

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DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

Representatives voting no were: Dills, and Rhinehart--2.

A motion to reconsider was tabled.

Mr. Wolfe moved that House Bill No. 2201 be placed on the next available Calendar, which motion prevailed.

Mr. Burnett moved that House Bills Nos. 1991 and 1992 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 2175--To amend building regulations.

Mr. Hudson moved that House Bill No. 2175 be passed on third and final consideration.

Mr. Hudson moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2175 by deleting from the second sentence of subsection (a) of the amendatory language of Section 1 the word "building" and substituting the word "buildings".

AND FURTHER AMEND:

by deleting from item (2) under subsection (c) of the amendatory language of Section 1 the word "form" and substituting the word "farm".

AND FURTHER AMEND:

by deleting the third sentence of subsection (d) of the amendatory language of Section 1 and substituting the following:

However, no such fee shall exceed two hundred fifty dollars (\$250) plus two dollars and fifty cents (\$2.50) per each thousand dollars (\$1,000) or fraction thereof by which the total valuation of the proposed construction exceeds one hundred thousand dollars (\$100,000).

AND FURTHER AMEND:

by inserting between the words "promulgated" and "provided" in item (2) under subsection (a) of the amendatory language of Section 2 the word "as".

AND FURTHER AMEND:

by deleting the amendatory language of Section 6 in its entirety and substituting the following:

provided, however, that the board may not modify or reverse his decision solely or partially on the ground that the board disagrees with the relevant code provision(s).

AND FURTHER AMEND:

by designating the amendatory language of subsection (b) of Section 1 as paragraph (1) and adding the following new paragraphs:

(2) However, such standards shall not apply to any building, other than State buildings or educational occupancies, located within the jurisdiction of a local government which certifies in writing to the state fire marshal that:

(A) it has adopted a building construction safety code consisting of the Standard Building Code (published by the Southern Building Code Congress International, Inc.) and either

(i) the Standard Fire Prevention Code (published by the Southern Building Code Congress International, Inc.) or

(ii) the Fire Prevention Code (published by the National Fire Protection Association, Inc.)

AND

(B) it is adequately enforcing its code, and is performing any reviews of construction plans and specifications required by the state fire marshal under subsection (d) of this section.

(3) Notwithstanding paragraph (2) of this subsection, the standards established pursuant to subsection (a) of this section shall apply if:

(A) the local government's building construction safety code publications are not current within six (6) years of the date of the latest editions thereof, unless otherwise approved by the state fire marshal; or

(B) after affording appropriate written notice of grounds and opportunity for hearing, the state fire marshal determines that the local government is not adequately performing its enforcement functions.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2175, as amended, passed its third and final consideration by the following vote:

Ayes	86
Noes	5
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Turner, Ussery, Webb, Wheeler, Whitson, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--86.

Representatives voting no were: Davis (Gibson), Dills, Naifeh, Tanner and Wolfe--5.

Representative present and not voting was: Wallace--1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

2430--To create special juvenile court, Marion County; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

CONSENT CALENDAR

OBJECTIONS

Objections were filed to the following bills and resolutions on the Consent Calendar:

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Mrs. Duer objected to Senate Joint Resolution No. 204, and House Bill No. 2363.

Mr. Henry (Roane) objected to House Bill No. 2375.

Mr. Sir objected to House Bill No. 2272.

The Speaker directed that House Bills Nos. 2272, 2363 and 2375, and Senate Joint Resolution No. 204 be held on the Clerk's desk.

House Bill No. 2328--To set salary of county executive, certain counties.

House Bill No. 1684--To provide for Great Smokey Mountain Park Commission.

On motion, House Bill No. 1684 was made to conform with Senate Bill No. 1870.

On motion, Senate Bill No. 1870, on same subject, was substituted for House Bill No. 1684.

House Joint Resolution No. 197--Relative to study, Health Education.

House Bill No. 2029--To amend Section 16-16-202, Code.

On motion, House Bill No. 2029 was made to conform with Senate Bill No. 2194.

On motion, Senate Bill No. 2194, on same subject, was substituted for House Bill No. 2029.

House Joint Resolution No. 339--Relative to directing industrial development bond questionnaire.

House Joint Resolution No. 303--Relative to continuing study, industrial development bonds.

Senate Joint Resolution No. 220--Relative to study, Tri-Cities Technical Institute.

House Joint Resolution No. 308--Relative to equal opportunities, recruitment, black schools.

House Joint Resolution No. 451--Relative to congratulating Greenwave boys basketball team.

House Joint Resolution No. 453--Relative to honoring Yvette Rhodes.

House Joint Resolution No. 455--Relative to honoring Dr. Charles Boddie.

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House Joint Resolution No. 456--Relative to honoring Wink Martindale.

House Joint Resolution No. 459--Relative to honoring Reverend Charles Cartwright.

House Resolution No. 139--Relative to commending Howard Lewis.

House Resolution No. 141--Relative to memory, Mrs. Emily Smith.

House Resolution No. 142--Relative to memory, Charles Allman.

House Resolution No. 143--Relative to memory, Mrs. Zora Waddell.

House Resolution No. 144--Relative to congratulating Beech High School girls' basketball team.

House Resolution No. 145--Relative to memory, Edward "Dempsey" Dwyer.

House Resolution No. 146--Relative to commending, interns, 2nd Session of 92nd General Assembly.

House Resolution No. 148--Relative to congratulating Volunteer State boys' basketball team.

House Resolution No. 149--Relative to honoring Dr. John Runyan.

House Resolution No. 150--Relative to commending Miss Francis "Ralph" McKay.

House Resolution No. 151--Relative to congratulating Susan Wallis.

House Resolution No. 152--Relative to commending Laura Stone.

House Resolution No. 153--Relative to congratulating the Knoxville Poultry Company.

House Resolution No. 154--Relative to commending Michael Kimmons.

House Bill No. 2271--To provide for hot mix asphalt facilities, Montgomery County.

House Bill No. 2279--To set jurisdiction, certain city judges.

House Bill No. 2293--To set jurisdiction, certain city judges.

House Bill No. 2348--To create a juvenile court, Madison County.

On motion, House Bill No. 2348 was made to conform with Senate Bill No. 2393.

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On motion, Senate Bill No. 2393, on same subject, was substituted for House Bill No. 2348.

House Bill No. 2353--To create a general sessions court, Stewart County.

House Bill No. 2376--To provide judge of sessions court, Roane County.

House Bill No. 2377--To provide time of election, Vanleer.

On motion, House Bill No. 2377 was made to conform with Senate Bill No. 2423.

On motion, Senate Bill No. 2423, on same subject, was substituted for House Bill No. 2377.

House Bill No. 2378--To create probate and juvenile court, Lauderdale County.

On motion, House Bill No. 2378 was made to conform with Senate Bill No. 2425.

On motion, Senate Bill No. 2425, on same subject, was substituted for House Bill No. 2378.

House Bill No. 2379--To provide for probate clerk, Lake County.

House Bill No. 2380--To provide for sessions court judge, Roane County.

On motion, House Bill No. 2380 was made to conform with Senate Bill No. 2419.

On motion, Senate Bill No. 2419, on same subject, was substituted for House Bill No. 2380.

House Bill No. 2382--To create juvenile court, Marion County.

On motion, House Bill No. 2382 was made to conform with Senate Bill No. 2430.

On motion, Senate Bill No. 2430, on same subject, was substituted for House Bill No. 2382.

House Bill No. 2385--To place probate jurisdiction in general sessions court.

House Bill No. 2386--To amend Chapter 16, Private Acts, 1965.

On motion, House Bill No. 2386 was made to conform with Senate Bill No. 2420.

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On motion, Senate Bill No. 2420, on same subject, was substituted for House Bill No. 2386.

House Bill No. 2387--To provide for special referenda, Tullahoma.

On motion, House Bill No. 2387 was made to conform with Senate Bill No. 2429.

On motion, Senate Bill No. 2429, on same subject, was substituted for House Bill No. 2387.

House Bill No. 2388--To provide certain referendum, Lexington.

House Bill No. 2389--To amend Chapter 239, Private Acts, 1937.

House Bill No. 2390--To make certain provisions, mayor, Brownsville.

On motion, House Bill No. 2390 was made to conform with Senate Bill No. 2434.

On motion, Senate Bill No. 2434, on same subject, was substituted for House Bill No. 2390.

House Bill No. 2391--To provide for sale of certain state property, General Assembly members.

House Bill No. 2392--To amend charter, Henderson.

House Bill No. 2393--To regulate Board of Education, Rhea County.

House Bill No. 2394--To set salary, general sessions judge, Tipton County.

On motion, House Bill No. 2394 was made to conform with Senate Bill No. 2424.

On motion, Senate Bill No. 2424, on same subject, was substituted for House Bill No. 2394.

House Bill No. 2395--To provide privilege tax on lodgings, Knox County.

On motion, House Bill No. 2395 was made to conform with Senate Bill No. 2428.

On motion, Senate Bill No. 2428, on same subject, was substituted for House Bill No. 2395.

House Bill No. 2396--To levy tax on amusements, Knox County.

On motion, House Bill No. 2396 was made to conform with Senate Bill No. 2427.

On motion, Senate Bill No. 2427, on same subject, was substituted for House Bill No. 2396.

House Bill No. 2401--To amend charter, Burns.

House Bill No. 2404--To increase litigation tax, Campbell County.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be

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adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	94
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frenslley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representatives voting no were: McAfee and Ussery--2.

A motion to reconsider was tabled.

House Bill No. 1566--To make certain provisions, motor vehicles.

On motion, House Bill No. 1566 was made to conform with Senate Bill No. 1672.

On motion, Senate Bill No. 1672, on same subject, was substituted for House Bill No. 1566.

Mr. Robertson moved that Senate Bill No. 1672 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1672 by adding the following new sections to be appropriately numbered immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION __. Tennessee Code Annotated, Section 55-4-113 (8) (C), is amended by adding a new sentence thereto, as follows:

The provisions of this subdivision shall not apply to fixed load vehicles, which shall instead be assessed under subdivision (J), if in violation.

SECTION _____. Tennessee Code Annotated, Section 55-4-113 (8) (E) is amended by adding a new sentence thereto, as follows:

The provisions of this subdivision shall not apply to fixed load vehicles, which shall instead be assessed under subdivision (J), if in violation.

SECTION _____. Tennessee Code Annotated, Section 55-4-113 (8) (F), is amended by adding a new sentence thereto, as follows:

The provisions of this subdivision shall not apply to fixed load vehicles, which shall instead be assessed under subdivision (J), if in violation.

SECTION _____. Tennessee Code Annotated, Section 55-4-113, is amended by adding the following language as a new subdivision to subsection (8) to be designated as subdivision (J):

(J) The taxes assessed by subdivisions (C), (E) and (F) of this subsection shall not be applicable to a fixed load vehicle as defined in Tennessee Code Annotated, Section 55-1-117. When a fixed load vehicle is properly registered to carry the weight limit allowed in Class 11 of subsection (1) and is found in operation at a weight exceeding the limit, of that class, the operator shall be assessed a tax of two hundred fifty dollars (\$250.00). This is the only tax or fine which shall be assessed against such vehicles for any overweight violation.

SECTION _____. Tennessee Code Annotated, Section 55-11-205, subsection (h), is amended by adding the following language between the first and second sentence:

Provided, however, the special permit issued pursuant to subsection (g) (5) of this section for fixed load vehicles as defined in Tennessee Code Annotated, Section 55-1-117, shall not be revoked when such vehicle is found in operation at a weight exceeding the limit of the class in which it is registered, if it is registered in the proper class or the maximum available weight classification.

SECTION _____. Tennessee Code Annotated, Section 55-11-206, is amended by designating the existing language as subsection (a) and by adding the following language to be designated as subsection (b):

(b) A violation of restrictions on the maximum gross weight provisions of Tennessee Code Annotated, Section 55-11-203 and 55-11-205, or of any rules and regulations promulgated in relation to fixed load vehicles, as defined in Tennessee Code Annotated, Section 55-1-117, shall not be a misdemeanor and no liability for fines assessed by this

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section shall exist for such violations. Such violations shall be dealt with under Section 55-4-13 (8) (J).

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1672 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section __. The maximum allowable gross weight of a vehicle, freight motor vehicle, truck-tractor, trailer or semitrailer, or combinations of such vehicles, which transports solid waste shall not be calculated on a per axle configuration but shall be determined to be in compliance with the law if the maximum total gross weight, including the load thereon, does not exceed the sum obtained by computing the total weight allowable for the number and type of its axles. If the maximum total gross weight of such vehicle does not exceed such sum, the driver shall not be cited for violation of an axle weight limitation while transporting such solid wastes over the state highway system.

Section __. Any truck with a tandem axle registered in this state on July 31, 1982 which transports solid waste shall be permitted to register as a Class 9 vehicle. Provided, however, the maximum allowable gross weight for such vehicle shall not be calculated on a per axle configuration but shall be determined to be in compliance with the law if the maximum total gross weight, including the load thereon, does not exceed the maximum total gross weight permitted for Class 9 vehicles, including a reasonable tolerance.

The calculations for determining the maximum allowable gross weight for special zone licenses issued for such vehicles for such purposes pursuant to Tennessee Code Annotated, Section 55-4-113, subsection (7), shall be made in accordance with the provisions of this section.

Section __. Notwithstanding any other provision of the law to the contrary, whenever a vehicle, freight motor vehicle, truck-tractor, trailer or semitrailer, or combinations of such vehicles, transporting solid wastes is weighted in this state, a tolerance of ten percent (10%) of the total gross weight of such vehicle, including the load thereon, shall be deemed to be a reasonable tolerance. Provided, however, the maximum gross weight of such vehicle, and the load thereon, including such tolerance, shall in no event exceed eighty thousand (80,000) pounds.

On motion, the amendment was adopted.

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Mr. Robertson moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 1672 by deleting from Section 1 the following words, punctuation and numerals:

"Tennessee Code Annotated, Section 55-11-201, is amended by deleting items (1) through (3) of subsection (a) and substituting instead the following:"

and by substituting instead the following:

"Tennessee Code Annotated, Section 55-11-201, is amended by deleting item (2) of subsection (a) and substituting instead the following."

AND FURTHER AMEND by deleting from Section 1, the following words, punctuation and numerals:

"Tennessee Code Annotated, Section 55-11-201, is further amended in subsection (a) by renumbering item (4) to be item (2)."

On motion, the amendment was adopted.

Mr. Robertson moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 1672 by deleting from Sec 4 the words "April 1, 1982" and adding in the place thereof the words and figures "May 1, 1982."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1672, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	8
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, Miller, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

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Severance, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--83.

Representatives voting no were: Crain, Gill, Kernell, McNally Montgomery, Moore, Murphy (Shelby) and Shirley--8.

Representative present and not voting was: Wood--1.

A motion to reconsider was tabled.

On motion of Mr. Bragg, House Bill No. 1005 was withdrawn from the House.

House Joint Resolution No. 380--Relative to allocating and administering Block Grants.

Mr. Bragg moved that House Joint Resolution No. 380 be adopted, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

House Bill No. 2289--To amend Title 49, Code.

Mr. Bivens moved that House Bill No. 2289 be passed on third and final consideration.

Mr. Bivens moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2289 by adding between the words "population" and "of" appearing in both paragraphs of item (b)(1) of

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Section 1 the following "as established in the 1980 federal census".

By adding between the words "districts" and "which" appearing in both paragraphs of item (b)(2) of Section 1 the following, "in the counties affected by this act".

By changing the period following the date "1982" appearing in item (b)(4)(B)(i) of Section 1 to a comma and adding the following, "and shall be accomplished by majority vote of the board of education of the system to be abolished; provided that the merger shall not be effective unless the contiguous city system with which merger is being sought shall approve the merger by majority vote of its board of education and of its city governing body."

By adding to item (b)(4) of Section 1 the following new parts:

(D) Any tax for current operation levied by a special school district abolished under this act, shall, until the repeal of the private act authorizing such tax, be collected and turned over to the successor school system for the use and benefit of the schools formerly operated by the special school district.

(E) Any city government that continues to levy a current operation school tax for the benefit of a school system abolished by this act is authorized to turn such tax receipts over to the successor school system for the use and benefit of the schools formerly operated by the city.

(F) This act shall not be construed to rescind, impair, or affect any contracts in effect upon passage of this act, dealing with the operation or organization of schools in any affected county.

By adding new parts to item (b) of Section 1, as follows:

(5) Elementary schools operated by any school system abolished under this act shall continue to be operated as elementary schools by the successor system following the abolishment of any system hereunder; provided that this shall not be construed to require the continuance of such schools if they should be destroyed or become unusable because of fire or safety violations or should fail to meet the minimum standards of the State Board of Education.

(6) The county board of education of any county affected by this act shall include persons representing and residing in the area served by every school district that is abolished hereunder in the same percentage that such districts relate to the total number of public school systems in such county.

On motion, the amendment was adopted.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 2289 by adding the following new subdivision immediately after subdivision (4) of subsection (b) of Section 1:

(5) In the event of consolidation of districts in accordance with this act, the consolidated system shall continue to operate grades kindergarten through eight (8) by local instruction in local school buildings.

On motion, the amendment was adopted.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 2289 by adding at the end of the amendatory language of Section 1 the following:

(D.) Rights and privileges of teachers in districts merged, abolished, or consolidated pursuant to this section shall be protected as provided in Section 49-1316 and nothing in this section shall be construed to change or repeal Section 49-1316.

On motion, the amendment was adopted.

Mr. Wallace moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 2289 by deleting Section 2 in its entirety and substituting instead the following:

SECTION 2. T.C.A., Section 49-402, is further amended by adding a new subsection as follows:

(c) In any county affected by subsection (b), the authority of the boards of education or municipal governments to rescind or withdraw from any contract in effect on February 1, 1982, dealing with the operation of high schools as defined in Section 49-1103 or waiving their rights to high school bond proceeds, or waiving their share of proceeds of sales taxes levied to liquidate debts incurred for high schools, is hereby removed. High schools in districts abolished by subsection (b) shall continue to be operated by their respective boards of education until said abolition.

SECTION 3. Section 2 of this Act shall take effect upon becoming a law, the public welfare requiring it. Section 1 of this Act shall take effect July 1, 1983.

By amending Section 1 as follows:

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Change the dates "August 1, 1982" and "July 31, 1982" appearing in subsections (b) (4); (b) (4) (B) (i); (b) (4) (B) (ii) to "July 1, 1983".

On motion, the amendment was adopted.

Mr. Wallace moved to amend as follows:

AMENDMENT NO. 5

Amend House Bill No. 2289 by adding a new section immediately preceding the effective date section and renumbering the subsequent section accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared severable.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2289, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

Representatives present and not voting were: Brewer, Crain and Dills--3.

A motion to reconsider was tabled.

House Bill No. 2193--To regulate allocation of fuels.

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On motion, House Bill No. 2193 was made to conform with Senate Bill No. 1563.

On motion, Senate Bill No. 1563, on same subject, was substituted for House Bill No. 2193.

Mr. McNally moved that Senate Bill No. 1563 be passed on third and final consideration.

Mr. McNally moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1563 by adding a new section immediately before the effective date section, as follows, and renumbering the sections accordingly:

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1563, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

House Resolution No. 138--Relative to study, Legislative Voting Systems.

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Mr. Bragg moved that House Resolution No. 138 be adopted, which motion prevailed by the following vote:

Ayes	89
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Work and Yelton --89.

Representative present and not voting was: Mr. Speaker McWherter--1.

A motion to reconsider was tabled.

House Bill No. 2321--To make certain provisions, financing of public buildings.

On motion, House Bill No. 2321 was made to conform with Senate Bill No. 2254.

On motion, Senate Bill No. 2254, on same subject, was substituted for House Bill No. 2321.

Mr. Stafford moved that Senate Bill No. 2254 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs,

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Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --92.

Representative voting no was: Copeland--1.

A motion to reconsider was tabled.

House Resolution No. 131--Relative to disability benefits, John Smithsman.

Mr. Sir moved that House Resolution No. 131 be adopted, which motion prevailed.

A motion to reconsider was tabled.

Messers Chiles and Cobb asked to be recorded as present and not voting on House Resolution No. 131.

House Joint Resolution No. 306--Relative to study, retirement plan, future employees.

Mr. Copeland moved that House Joint Resolution No. 306 be adopted, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

Senate Joint Resolution No. 210--Relative to study, hazardous wastes.

Mr. Hillis moved that Senate Joint Resolution No. 210 be concurred in.

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Mr. Hillis moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Joint Resolution by deleting from the first resolving clause the word and figure "four (4)" wherever it appears and by substituting instead the word and figure "five (5)".

On motion, the amendment was adopted.

Thereupon, Senate Joint Resolution No. 210, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

A motion to reconsider was tabled.

House Bill No. 2198--To provide certain benefits, health insurance policies.

On motion, House Bill No. 2198 was made to conform with Senate Bill No. 1949.

On motion, Senate Bill No. 1949, on same subject, was substituted for House Bill No. 2198.

Mr. Starnes moved that Senate Bill No. 1949 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne,

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Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --90.

A motion to reconsider was tabled.

House Bill No. 1899--To fix salary, general sessions judges.

On motion, House Bill No. 1899 was made to conform with Senate Bill No. 2126.

On motion, Senate Bill No. 2126, on same subject, was substituted for House Bill No. 1899.

Mr. Murphy (Davidson) moved that Senate Bill No. 2126 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2126 by deleting from the amendatory language of Section 2 the words and figure "twenty-five thousand (\$25,000) dollars" and by substituting instead the words and figure "ten thousand dollars (\$10,000)".

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2126 by deleting item (2) from the amendatory language of Section 1 and by substituting instead the following:

(2) If a general sessions judge exercises any jurisdiction not granted by general law to courts of general sessions, the base salary of such judge shall be increased by five percent (5%) for each additional duty performed. Provided, however, the amount of the aggregate supplement for the exercise of such additional duties shall not exceed one thousand five hundred dollars (\$1,500) per year.

On motion, the amendment was adopted.

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Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 2126 by deleting item (1) from the amendatory language of Section 1 and by substituting instead the following:

(1) Notwithstanding any other provision of this section to the contrary, beginning September 1, 1982, the base salaries a year for general sessions judges shall be as follows:

(A) Counties of the First Class	\$46,115
(B) Counties of the Second Class	38,941
(C) Counties of the Third Class	35,867
(D) Counties of the Fourth Class	30,743
(E) Counties of the Fifth Class	22,545
(F) Counties of the Sixth Class	18,446
(G) Counties of the Seventh Class	16,397
(H) Counties of the Eighth Class	14,346

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 2126 by adding the following new section before the effective date section and by renumbering such subsequent sections accordingly:

SECTION . All general sessions judges shall be required to attend Seminars offered for the particular benefit of such judges. Guidelines for such seminars, workshops, and training sessions are to be established by the Executive Secretary of the Tennessee Supreme Court.

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 2126 by adding the following sections

immediately before the effective date section and by renumbering such subsequent sections accordingly:

SECTION _____. In any county having a population of not less than fourteen thousand nine hundred (14,900) nor more than fourteen thousand nine hundred twenty five (14,925) the general sessions judge shall be elected at the August, 1982, election and every four (4) years thereafter for a four (4) year term. Such a general sessions judge shall serve full time. Guidelines established by the Executive Secretary of the Tennessee Supreme Court shall determine the requirements of full time service.

SECTION _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 2126 by adding the following new item at the end of Section (1):

() Notwithstanding any provision of law or this act to the contrary, in the case of any conflict between this act and any private act, the act which provides for the higher salary shall prevail.

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 7

Amend Senate Bill No. 2126 by adding the following new item to the amendatory language of Section 1:

() Provided, however, that the base salaries of judges of general sessions courts with multi-county jurisdiction, including any amounts of additional compensation for additional jurisdiction as may be provided by law, shall be increased by \$5,000 and the cost of such increase shall be prorated on a per capita basis between the counties composing such jurisdiction.

On motion, the amendment was adopted.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

Mr. Whitson moved to amend as follows:

AMENDMENT NO. 8

Amend Senate Bill No. 2126 by adding the following new section immediately before the effective date section and by renumbering succeeding sections accordingly:

SECTION ____ . Tennessee Code Annotated, Section 16-15-205 is amended by adding the following item to the end of the last subsection:

() In addition to the base salary and any other supplement provided in this section, the general sessions judge in any county having a population of not less than 16,350 nor more than 16,450 according to the 1980 federal census or any subsequent federal census, shall receive for the exercise of juvenile and probate jurisdiction an addition annual compensation of one thousand five hundred dollars (\$1,500).

On motion, the amendment was adopted.

Mr. Bewley moved to amend as follows:

AMENDMENT NO. 9

Amend Senate Bill No. 2126 by deleting item (10) of section 1 and inserting in lieu thereof the following:

Provided, further, that base salaries of general sessions judges in counties of the second class having populations of not less than fifty-two thousand (52,000) nor more than fifty-five thousand (55,000) according to the 1980 or any subsequent federal census, shall be fifty-nine percent (59%) of the salary of circuit court judges.

On motion, the amendment was adopted.

Mr. Percy moved to amend as follows:

AMENDMENT NO. 10

Amend Senate Bill No. 2126 by deleting item (9) of section 1 and inserting in lieu thereof the following:

Provided, further, that base salaries of general sessions judges in counties of the second class having populations of not less than forty-nine thousand five hundred (49,500) nor more than fifty-one thousand (51,000) according to the 1980 or any subsequent federal census, shall be fifty-nine percent (59%) of the salary of circuit court judges.

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On motion, the amendment was adopted.

Mr. Lashlee moved to amend as follows:

AMENDMENT NO. 11

Amend Senate Bill No. 2126 in Section 1, subdivision 3 by adding the following at the end thereof:

No annual adjustment made under the provisions of this subsection shall exceed the highest percentage increase in compensation received in any year by county officials of counties in the fourth through the eighth class.

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 12

Amend Senate Bill No. 2126 by adding the following language to the end of item (2) of the amendatory language of Section 1:

If a general sessions judge in a Class IV county that is contiguous to a county having a population in excess of two hundred thousand (200,000) according to the 1980 federal census or any subsequent federal census exercises both juvenile and divorce jurisdiction, the base salary for such judge shall be increased by the amount of twelve thousand dollars (\$12,000) per annum.

Mr. Carter moved to amend Amendment No. 12 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 12

Amend Amendment No. 12 by deleting the words and figures "two hundred thousand (200,000)" and substituting in lieu thereof the words and figures "six hundred thousand (600,000)."

On motion, Amendment No. 1 to Amendment No. 12 was adopted.

Thereupon, Amendment No. 12, as amended, was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 13

Amend Senate Bill No. 2126 by adding to the amendatory language of Section 1 at the end of Item 2 the following:

In any county having a population of not less than twenty thousand three hundred (20,300) nor more than twenty thousand

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four hundred (20,400) the base salary for the general sessions judge shall be increased by the amount of twelve thousand dollars (\$12,000) a year.

Mr. Murphy (Davidson) moved that the Amendment No. 13 be tabled, which motion prevailed.

Mr. Percy moved to amend as follows:

AMENDMENT NO. 14

Amend Senate Bill No. 2126 by deleting item (8) of section 1 and re-numbering the remaining items accordingly.

On motion, the amendment was adopted.

Mr. Brewer moved to amend as follows:

AMENDMENT NO. 15

Amend Senate Bill No. 2126 by adding the following new subsection (5) to the amendatory language of Section 1:

(5) Notwithstanding any other provision of law or private act to the contrary, the method of adjusting the base salary of a general sessions judge provided by this section shall be the exclusive method by which such salary is adjusted during such judge's term of office and this section shall be construed as repealing any other method of adjusting general sessions judge's salaries provided by general law or private act.

On motion, the amendment was adopted.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 16

Amend Senate Bill No. 2126 as amended by House Amend. #3 by striking the following words and figure:

"(A) Counties of the First Class \$46,115"

and substituting in lieu thereof the following:

"(A) Counties of the First Class \$54,000"

Mr. McAfee moved that the Amendment No. 16 be tabled, which motion prevailed.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 17

Amend Senate Bill No. 2126 by adding the following new section immediately before the effective date section and by renumbering succeeding section accordingly:

SECTION _____. Tennessee Code Annotated, Section 16-15-205 is amended by adding the following item to the end of the last subsection:

() In addition to the base salary and any other supplement provided in this section, the general sessions judge in any county of the second class having a population of not less than 67,300 nor more than 67,400, shall receive an additional annual compensation of six thousand six hundred fifty nine dollars (\$6,659), any county of the fourth class having a population of not less than 34,800 nor more than 34,900, shall receive an additional annual compensation of five thousand two hundred fifty seven dollars (\$5,257), any county of the seventh class having a population of not less than 11,700 nor more than 11,800, shall receive an additional annual compensation of two thousand eight hundred twenty three dollars (\$ 2,823), all population figures according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Shirley moved to amend as follows:

AMENDMENT NO. 18

Amend Senate Bill No. 2126 by adding a new section immediately before the effective date section, as follows:

Section _____. Notwithstanding any other provision of the law to the contrary, judges of courts of general sessions in counties with a population in excess of seven hundred thousand (700,000) according to the 1980 federal census or any subsequent federal census, shall be elected at the August general election for a term of four (4) years.

If any provision of this section or the application thereof to any person or circumstance is held invalid, then all provisions and applications of this section are declared to be invalid and void.

Mr. Murphy (Shelby) moved that the Amendment No. 18 be tabled, which motion failed.

Thereupon, Amendment No. 18 failed to be adopted by the following vote:

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Ayes	41
Noes	44
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bivens, Brewer, Buck, Copeland, Davis (Gibson), DeBerry, Dills, Duer, Duncan, Gaia, Gill, Hillis, Johnson, Jones, Kelley, King (Shelby), Lashlee, McAfee, McKinney, McNally, Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Richardson, Robinson (Davidson), Scruggs, Shirley, Small, Stafford, Starnes, Tanner, Wallace, Wix, Wolfe and Wood--41.

Representatives voting no were: Bewley, Bragg, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Hamilton), DePriest, Ford, Frensley, Henry (Roane), Hudson, Hurley, Huskey, Jared, Kent, King (Washington), Miller, Moore, Murphy (Davidson), Murphy (Shelby), Owen, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Severance, Shockley, Sir, Smith, Spence, Stallings, Sterling, Ussery, Webb, Wheeler, Withers and Work--44.

Representatives present and not voting were: Bell (Knox), Montgomery, Whitson and Yelton--4.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 19

Amend Senate Bill No. 2126 to amend the bill by adding a new section ____: to read as follows:

"No judge previously having juvenile and probate jurisdiction may receive any incremental adjustments for continuing this jurisdiction."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2126, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	8
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Byrd, Carter, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Henry (Roane), Hillis, Hudson, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington),

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Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Work and Yelton--83.

Representatives voting no were: Bewley, Burnett, Chiles, Harrill, Hurley, Murray, Shirley and Mr. Speaker McWherter--8.

Representatives present and not voting were: Bell (Knox) and Clark (Davidson)--2.

A motion to reconsider was tabled.

House Bill No. 2242--To establish restrictions concerning juvenile detention.

On motion, House Bill No. 2242 was made to conform with Senate Bill No. 2316.

On motion, Senate Bill No. 2316, on same subject, was substituted for House Bill No. 2242.

Mr. Murphy (Davidson) moved that Senate Bill No. 2316 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dispayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: Chiles and Shirley--2.

A motion to reconsider was tabled.

House Bill No. 2186--To amend Chapter 27, Title 67, Code.

On motion, House Bill No. 2186 was made to conform with Senate Bill No. 2131.

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On motion, Senate Bill No. 2131, on same subject, was substituted for House Bill No. 2186.

Mr. Rhinehart moved that Senate Bill No. 2131 be passed on third and final consideration.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2131 by deleting in Section 2 the figure "1981" and by substituting instead the figure "1982".

On motion, the amendment was adopted.

Mr. Rhinehart moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2131 by deleting Sections 1 and 2 in their entirety and by substituting in lieu thereof the following:

SECTION 1. Tennessee Code Annotated, Section 67-2704, is amended by substituting for the first five lines thereof the following:

"The term "net earnings" is defined, at the option of the taxpayer, as

(a) federal taxable income before the operating loss deduction and special deductions provided for in Section 241 through 247 and 249 through 250 of the Internal Revenue Code prior to its amendment by the Economic Recovery Tax Act of 1981, Public Law No. 97-34, Section 201-209, or

(b) federal taxable income before the operating loss deduction and special deductions provided for in Section 241 through 247 and 249 through 250 of the Internal Revenue Code after its amendment by the Economic Recovery Tax Act of 1981, Public Law No. 97-34, Section 201-209, plus one-tenth (1/10th) of all depreciation used in computing federal taxable income.

The term net earnings as defined above shall be subject to the following adjustments:"

SECTION 2. This act shall become effective upon becoming a law, the public welfare requiring it, but shall be applicable only to returns filed for fiscal years ending on or after July 15, 1981 and ending before July 15, 1983.

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 2131, as amended, passed its third and final consideration by the following vote:

Ayes	93
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: McKinney and Shirley--2.

A motion to reconsider was tabled.

House Bill No. 2278--To remove certain requirements imposed on Attorney General.

On motion, House Bill No. 2278 was made to conform with Senate Bill No. 2173.

On motion, Senate Bill No. 2173, on same subject, was substituted for House Bill No. 2278.

Mr. Davis (Hamilton) moved that Senate Bill No. 2173 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton),

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Robinson (Washington), Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representative voting no was: Shirley--1.

A motion to reconsider was tabled.

Senate Bill No. 1863--To regulate licensing, auctioneers.

Mr. Miller moved that Senate Bill No. 1863 be passed on third and final consideration.

Mr. Stafford moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1863 in Section 3 by deleting from the last line thereof the words and figures, "sixty-five dollars (\$65.00)" and substituting the words and figures "fifty dollars (\$50.00)".

Mr. Clark (Sumner) moved that the Amendment No. 1 be tabled, which motion prevailed by the following vote:

Ayes	48
Noes	37
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Ellis, Gaia, Gill, Hillis, Hudson, Johnson, Jones, Kent, King (Shelby), Lashlee, Love, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Pickering, Pruitt, Richardson, Robinson (Davidson), Serverance, Sir, Spence, Stallings, Tanner, Wallace, Wheeler, Withers, Wix and Yelton--48.

Representatives voting no were: Baker, Bell (Knox), Bewley, Buck, Carter, Chiles, Crain, DePriest, Duncan, Ford, Frensley, Harrill, Hurley, Huskey, Jared, Kelley, King (Washington), Montgomery, Moore, Percy, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Shockley, Small, Smith, Stafford, Sterling, Ussery, Webb, Whitson, Wolfe, Wood and Work--37.

Representatives present and not voting were: Henry (Roane) and Turner--2.

Mr. Stafford moved that Senate Bill No. 1863 be re-referred to the Committee on Calendar and Rules.

Mr. Miller moved that the motion be tabled, which motion prevailed by the following vote:

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Ayes	58
Noes	31
Present and not voting	3

Representatives voting aye were: Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Hillis, Hudson, Huskey, Jared, Johnson, Jones, Kent, King (Shelby), Lashlee, Love, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Pickering, Pruitt, Richardson, Robinson (Davidson), Severance, Spence, Stallings, Tanner, Turner, Wallace, Wheeler, Withers, Wix, Work, Yelton and Mr. Speaker McWherter--58.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Carter, Copeland, Duncan, Frensley, Harrill, Hurley, Kelley, King (Washington), McAfee, Montgomery, Moore, Percy, Rhinehart, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Sir, Small, Stafford, Sterling, Ussery, Webb, Whitson, Wolfe and Wood--31.

Representatives present and not voting were: Duer, Henry (Roane) and Phillips--3.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1863 by deleting the words and figures "sixty-five dollars (\$65.00)" in Section 4 and substituting instead the words and figures "sixty dollars (\$60.00)".

On motion, the amendment was adopted.

Mr. Disspayne moved the previous question, which motion prevailed by the following vote:

Ayes	61
Noes	25
Present and not voting	3

Representatives voting aye were: Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Ellis, Frensley, Gaia, Gill, Henry (Roane), Hillis, Hurley, Jared, Kelley, Kent, King (Shelby), Love, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murray, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Starnes, Sterling, Turner, Webb, Wheeler, Whitson, Withers, Wix, Work and Yelton--61.

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Representatives voting no were: Akard, Bell (Knox), Davis (Gibson), Dills, Duncan, Ford, Harrill, Huskey, King (Washington), Lashlee, McAfee, Montgomery, Naifeh, Robertson, Robinson (Washington), Sir, Small, Smith, Spence, Stallings, Tanner, Ussery, Wallace, Wolfe and Wood--25.

Representatives present and not voting were: Hudson, Johnson and Richardson--3.

Thereupon, Senate Bill No. 1863, as amended, passed its third and final consideration by the following vote:

Ayes	69
Noes	19
Present and not voting	3

Representatives voting aye were: Bell (Knox), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Henry (Roane), Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), Lashlee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Shockley, Sir, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Withers, Wix, Work and Yelton--69.

Representatives voting no were: Akard, Baker, Bell (Wilson), Bragg, Harrill, Huskey, Kelley, King (Washington), McAfee, Moore, Robinson (Washington), Scruggs, Small, Smith, Stafford, Ussery, Whitson, Wolfe and Wood--19.

Representatives present and not voting were: Duncan, Frensley and Phillips--3.

A motion to reconsider was tabled.

Mr. Richardson moved that House Bill No. 2306 be placed on the next Calendar, which motion prevailed.

Mr. Miller moved that House Bill No. 1497 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Starnes moved that House Bill No. 1791 be placed on the next Calendar, which motion prevailed.

House Bill No. 1927--To regulate cost of lodging for jurors, criminal cases.

Mr. McAfee moved that House Bill No. 1927 be passed on third and final consideration.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1927 by deleting from the amendatory language of Section 1 the words and figure "for each juror and each alternate juror, a daily sum not to exceed eighty percent (80%) of the average prevailing hotel/motel room rent within two miles of the location of the trial and board expenses as set out in the official state travel regulations as adopted by the Department of Finance and Administration of the State of Tennessee" and substituting instead the words and figure "therefore a sum not to exceed two hundred twenty-five dollars (\$225)".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1927, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton--90.

Representative voting no was: Moore--1.

A motion to reconsider was tabled.

Mr. Hillis moved that House Bill No. 2145 be placed on the next Calendar, which motion prevailed.

House Bill No. 1725--To amend Section 2-5-101, Code.

On motion, House Bill No. 1725 was made to conform with Senate Bill No. 1957.

On motion, Senate Bill No. 1957, on same subject, was substituted for House Bill No. 1725.

Mr. McKinney moved that Senate Bill No. 1957 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	86
Noes	8
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton--86.

Representatives voting no were: Bell (Knox), Brewer, Carter, Henry (Roane), Hudson, Huskey, Robertson and Scruggs--8.

Representative present and not voting was: Duncan--1.

A motion to reconsider was tabled.

House Bill No. 1971--To regulate sale, alcoholic beverages.

On motion, House Bill No. 1971 was made to conform with Senate Bill No. 2080.

On motion, Senate Bill No. 2080, on same subject, was substituted for House Bill No. 1971.

Mr. Owen moved that Senate Bill No. 2080 be passed on third and final consideration.

Mr. Jones moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2080 by deleting Senate Amendment 2 in its entirety.

Mr. Lashlee moved that the Amendment No. 1 be tabled, which motion prevailed.

Mr. Jones moved that House Bill No. 2080 be re-referred to the Committee on Calendar and Rules.

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Mr. McKinney moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	58
Noes	30
Present and not voting	3

Representatives voting aye were: Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Burnett, Byrd, Carter, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Disspayne, Gill, Henry (Roane), Hillis, Hudson, Hurley, Johnson, Kelley, Kent, King (Washington), Lashlee, McAfee, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Robertson, Robinson (Washington), Scruggs, Severance, Sir, Spence, Stafford, Stallings, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson and Wix--58.

Representatives voting no were: Akard, Bragg, Buck, Chiles, Clark (Sumner), DeBerry, Duer, Duncan, Ford, Frensley, Gaia, Harrill, Huskey, Jared, Jones, King (Shelby), Love, Montgomery, Percy, Pruitt, Shirley, Small, Smith, Turner, Ussery, Withers, Wolfe, Wood, Work and Yelton--30.

Representatives present and not voting were: Richardson, Robinson (Hamilton) and Shockley--3.

Mr. Stafford moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2080 by deleting Section 1 in its entirety and renumbering the following sections accordingly.

Mr. McKinney moved that Amendment No. 2 be tabled, which motion prevailed.

Thereupon, Senate Bill No. 2080, passed its third and final consideration by the following vote:

Ayes	61
Noes	28
Present and not voting	7

Representatives voting aye were: Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Burnett, Carter, Clark (Davidson), Cobb, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Ellis, Gill, Hudson, Hurley, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sir, Spence,

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Stafford, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson and Withers--61.

Representatives voting no were: Akard, Bragg, Buck, Chiles, Copeland, Davidson, Dills, Duncan, Ford, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Huskey, Jones, McAfee, Miller, Montgomery, Robertson, Shirley, Small, Smith, Stallings, Wolfe, Wood, Work and Yelton--28.

Representatives present and not voting were: Byrd, Clark (Sumner), Percy, Richardson, Shockley, Turner and Wix--7.

A motion to reconsider was tabled.

Mr. Johnson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 461 out of order, which motion prevailed.

House Joint Resolution No. 461--Relative to commending David H. Welles--By Johnson, Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dispayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. Johnson moved that House Joint Resolution No. 461 be adopted, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dispayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen,

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Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

House Bill No. 394--To establish juvenile court districts.

On motion, House Bill No. 394 was made to conform with Senate Bill No. 682.

On motion, Senate Bill No. 682, on same subject, was substituted for House Bill No. 394.

Mr. Cobb moved that Senate Bill No. 682 be passed on third and final consideration.

Mr. Cobb moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 682 by deleting the first sentence from Section 10 and substituting instead the following new sentence:

In those counties in which the general sessions court is also the juvenile court, the clerk of the court exercising juvenile jurisdiction in such counties prior to the effective date of this act shall serve as clerk of the general sessions court when it is exercising juvenile jurisdiction after such effective date unless otherwise provided by law. Such clerks shall maintain separate minutes, dockets, and records for all matters pertaining to juvenile court proceedings as required by law.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 682 by adding the following section:

Each county with a population of more than twenty thousand (20,000) according to the 1980 or any subsequent federal census shall establish a full-time youth services officer to assist the court sitting as a juvenile court in relation to cases coming before the court. Counties with a population of twenty thousand (20,000) or less according to the 1980 or any subsequent federal census shall establish a part-time youth services officer.

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The youth services officer shall be paid by the county in which he serves and his duties shall include, but are not limited to, the following:

(a) intake duties including to receive and examine complaints and allegations of delinquency and unruly behavior for the purpose of considering the commencement of proceedings;

(b) counseling;

(c) record-keeping and transmitting information as required by this act or by law to the children's services commission or the office of the executive secretary of the Tennessee Supreme Court;

(d) make investigations, reports and recommendations to the judge having juvenile jurisdiction;

(e) make appropriate referrals to other public or private agencies;

(f) make predisposition studies and submit reports and recommendations to the court as required; and

(g) perform other functions as directed by the court or by law including, but not limited to those set out in Tennessee Code Annotated, 37-206.

Mr. Rhinehart moved that the Amendment No. 2 be tabled, which motion failed by the following vote:

Ayes	24
Noes	61
Present and not voting	2

Representatives voting aye were: Bell (Wilson), Bewley, Bragg, Brewer, Buck, Carter, Crain, Davidson, Frensley, Harrill, Hillis, Jared, McAfee, McNally, Murphy (Shelby), Murray, Pickering, Pruitt, Rhinehart, Robertson, Shirley, Ussery, Wood and Work--24.

Representatives voting no were: Akard, Baker, Bell (Knox), Bivens, Burnett, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Gaia, Gill, Henry (Roane), Hudson, Hurley, Huskey, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Naifeh, Owen, Percy, Phillips, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Wallace, Webb, Wheeler, Whitson, Wolfe and Yelton--61.

Representatives present and not voting were: Johnson and Richardson--2.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 682 by deleting all language following the semicolon ";" in the first sentence of Section 3,

AND FURTHER AMEND by deleting the second sentence of Section 3 in its entirety and substituting instead:

In those counties in which the general sessions judge who sits as the juvenile judge is not an attorney licensed to practice in Tennessee, the general sessions judge shall appoint a juvenile magistrate who is a Lawyer who shall preside in any case of a juvenile where there is a possibility of loss of liberty.

AND FURTHER AMEND by deleting Section 6 in its entirety.

On motion, the amendment was adopted.

Mr. Baker moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 682 by deleting Section 17 in its entirety and by substituting in lieu thereof the following:

"SECTION 17. Tennessee Code Annotated, Section 37-202, subsection 8, is amended by deleting the entire subsection and substituting in lieu thereof: "Juvenile Court" means the general sessions court when such court is exercising juvenile court jurisdiction pursuant to Tennessee Code Annotated, Title 37, except in these counties and municipalities in which special juvenile courts, district juvenile courts or family courts are provided for by law. In those cases, the juvenile court shall be such court as established by law exercising juvenile court jurisdiction pursuant to this Act and Tennessee Code Annotated, Title 37. The term "judge" or "juvenile judge" or "family court judge" shall mean the judge of the juvenile courts created in this Act."

and further amend by adding the following new sections immediately preceding the severability section and the effective date section and by renumbering these sections accordingly:

"SECTION ____ . Effective September 1, 1982, there are hereby created six (6) special juvenile courts or district juvenile courts which shall be referred to as the "Family Court for the 3 Circuit".

Each such circuit shall contain the following counties:

- (a) First Judicial Circuit - Washington County, Johnson County, Carter County and Unicoi County.
- (b) Second Judicial Circuit - Coker County, Unicoi County, Sevier County, Jefferson County, Grainger County and Hancock County.
- (c) Twelfth Judicial Circuit - Madison County and Henderson County.
- (d) Twenty-eighth Judicial Circuit - Anderson County.
- (e) Twentieth Judicial Circuit - Sullivan County.
- (f) Twenty-seventh Judicial Circuit - Greene County, Hawkins County and Hamblen County.

The provisions of this act shall not apply in each circuit as herein established unless adopted and funded by a majority vote of each individual county legislative body of such circuit.

SECTION ____.

(a) The courts created in the preceding section shall be courts of record and shall exercise exclusive original jurisdiction over all juvenile matters presently conferred upon juvenile courts, general sessions courts, county courts and circuit courts by Tennessee Code Annotated, Title 37, and shall exercise exclusive original jurisdiction over any other matter pertaining to juveniles that is presently conferred upon any of such courts. Jurisdiction which is presently conferred upon juvenile courts in each enumerated circuit in the preceding section by any other provision of law shall be transferred to such court except as provided by this act.

(b) The courts created in the preceding section shall also exercise concurrent jurisdiction with any other court over all domestic relations cases which involve or may involve minor children or children expected to be born as the product of the marriage at issue.

(c) Such court shall exercise exclusive original jurisdiction over all domestic relations cases presently conferred upon any other court where a petition alleging child abuse, dependency, or neglect has been filed and over all proceedings concerning adoption, legitimation, child support pursuant to Title IV-D of the Social Security Act of 1974 codified in 42 U.S.C. 651 et seq., mental commitments of minors, and petitions for the removal of the disabilities of minority.

(d) On September 1, 1982, all courts exercising jurisdiction, except those courts retaining concurrent jurisdiction as specified in this section, over any matter within the jurisdiction of the juvenile or family courts created by this act shall be divested of such jurisdiction unless otherwise provided by this act.

SECTION ____.

(a) Notwithstanding any other provision of law or rule of court to the contrary, upon the effective date of this act all divorce pleading filed in any court in this state shall specify whether or not any minor children are involved or affected by such action.

(b) If a divorce action involving or affecting a minor child is filed in a special juvenile court or district juvenile court, venue of such action shall be governed as provided by law.

SECTION ____. The court shall hold court in each county within its circuit as often as is necessary to dispose of the family court caseload in such county.

SECTION ____. At the August general election in 1982, and every eight (8) years thereafter, a person possessing the same qualifications as a circuit judge shall be elected by the qualified voters of the judicial circuit as the judge of the Special Juvenile Court or District Juvenile Court for such circuit. Such judge's term shall be eight (8) years and he shall receive the same compensation, benefits and other emoluments, payable in the same manner and at the same time, and shall have the same dignity and powers as that of a circuit judge. Candidates for such judgeships from political parties shall be selected in the usual manner in accordance with the provisions of Tennessee Code Annotated, Section 2-13-203.

SECTION ____. Immediately upon the effective date of this act, all official books, records and other documents pertaining to any matter within the exclusive jurisdiction of the court created by this act, except those documents which are essential to the disposition of any unfinished or pending matter as described below, shall be transferred to the clerk of said court. However, in cases where the former judge has conducted an adjudicatory hearing and no order has been entered, the judge who conducted such hearing shall enter the appropriate order within sixty (60) days, including a disposition order if a dispositional hearing has been held prior to the close of business on August 31, 1982. In cases involving constitutional double jeopardy protections, if no adjudicatory order is entered before October 31, 1982, the case shall be dismissed with prejudice. In all other cases, notwithstanding the sixty (60) day time limit allowed former judges in entering orders for cases already heard,

new judges may rehear cases and enter orders as necessary where the safety of children demands immediate action.

Any petition to modify, alter, remove or dissolve a decree or order of a court exercising jurisdiction transferred to the juvenile court by the provisions of this act shall, after September 1, 1982, be made to the juvenile court as if such decree or order had originally been issued by the juvenile court.

SECTION _____. The county legislative body of each county served by a special juvenile court or district juvenile court shall designate one (1) of the existing clerks in such county to serve as the clerk of the family court. Such clerk shall keep separate records, dockets, minute books and rule dockets for the court and any other court of which he is clerk. The clerks if empowered to employ such additional personnel as is necessary to adequately serve the court.

SECTION _____. Where applicable, all rules promulgated by the Tennessee Supreme Court, including the rules of civil and criminal procedure, and the rules of evidence as established by statutory and case law shall be the rules which govern the family courts created in this Act. All laws applicable to process, pleading and course of procedure in courts of record in this state shall be equally applicable to the process, pleading and course of procedure of the family court. The sheriffs and other officers of the state shall execute all processes from the family court and be liable for defaults in respect thereto, in like manner and to the same extent as in the case of similar process of courts of record of this state. The sheriff of each county shall in person or by deputy attend upon such court when in session. The judge of each court created in this Act is authorized to promulgate such administrative rules and regulations as are necessary for the effective operation of the court provided such rules do not conflict with rules of procedure promulgated by the Supreme Court or statutory law governing court operation or procedure generally.

Any uniform rules and procedures promulgated for use in juvenile courts shall be applicable to the family courts created by this act when such courts are exercising juvenile jurisdiction.

SECTION _____. The judge of family court created in this Act and the judges of circuit, criminal, and chancery courts of this state are hereby authorized and empowered to interchange pursuant to the provisions of Tennessee Code Annotated, Section 17-2-201 through 17-2-207. Further, in order to effectuate a caseload balance throughout a circuit, the judges of the family, circuit, criminal and chancery courts may, by agreement, transfer any case to the court best able to give such case a speedy disposition.

SECTION _____. All appeals from such family courts shall lie to the appropriate court of appeals or supreme court in the same manner as appeals from the decrees, orders, and judgments of courts of record of this state.

SECTION _____. All bonds, recognizance and process pertaining to a matter within the jurisdiction of the family court created by this act and which were made returnable to another court shall be returnable to the family court as if such bond, recognizance or process had originally issued from the family court.

SECTION _____.

(a) The judge of each family court created by this act in a multi-county circuit shall appoint at least one (1) person who is licensed to practice law in this state in each county in such judge's circuit to act as family court magistrate pursuant to the provisions of Tennessee Code Annotated, Section 37-207. In counties in which the general sessions judge is licensed to practice law in this state, such general sessions judge or one (1) of such judge if more than one are so licensed, may act as the magistrate or referee for the family court when such court is sitting in such judge's county.

In cases in which the family court judge is not present in a county or is otherwise unavailable and a situation within the jurisdiction of the family court requires immediate attention and action, such magistrate shall have the authority:

(1) to hold emergency hearing regarding the custody or detention of juveniles under Tennessee Code Annotated, Section 37-213-217 and to issue emergency orders regarding the same;

(2) to set bond in appropriate cases;

(3) to grant preliminary emergency orders such as temporary restraining orders and orders to vacate on application of either party pending final hearings in divorce cases; and

(4) to deal with other emergency situations as appropriate, where irreparable harm would otherwise be likely to result without the action of the magistrate.

Review of matters under (1) above shall be as provided in Tennessee Code Annotated, Section 37-207. Review of all other matters above shall be by the family court judge upon the court's own motion or upon the request of a party.

(b) The family court magistrate may also act as a referee in juvenile matters when so authorized by the family court judge. When acting as a referee, the magistrate shall have the same authority and the same procedures shall apply as is provided in Tennessee Code Annotated, Section 37-207.

(c) All magistrates shall serve at the pleasure of the appointing family court judge, or his successor, and shall be compensated by the county in which they serve. The county legislative body of such county shall determine the amount of compensation and whether such magistrate shall serve on a full or part-time basis.

SECTION _____. The judge of each family court shall be entitled to employ such other court and support personnel as may be required to properly exercise the jurisdiction conferred upon such court including a court officer and secretary. Such judicial personnel shall be compensated in the same manner as and in an amount equal to similar personnel employed by the circuit court.

SECTION _____. Unless the county legislative body in a county served by a family court directs otherwise, the clerk presently collecting, processing and distributing funds pursuant to Title IV-D of the Social Security Act of 1974 codified in 42 U.S.C. 651 et. seq may continue to perform such duties.

SECTION _____. Notwithstanding any providing of law to the contrary and for 1982 only, political parties may nominate their candidates for the office of family court judge in counties in which such judgeships are created by this act by convention or party caucus, provided that such persons so nominated shall be certified to the county election commissions and to the Coordinator of Elections no later than 12:00 noon prevailing time on April 16, 1982. If a person so nominated for family court judge has previously qualified to run in the May primary election for another office, such candidate shall withdraw his name from the ballot for such office no later than 12:00 noon prevailing time on April 20, 1982. If such withdrawal leaves no candidate of a particular political party for such office, such political party may then convene in further convention or caucus to nominate a candidate for the vacated office, provided that such candidate shall be certified to the county election commission and to the Coordinator of Elections as provided by law for the August, 1982 general elections.

In counties in which family court judgeships are created by this act and where the political parties so agree or where no candidate has been nominated for family court judge by either political party, the family court judge may be elected by non-partisan election as provided by law.

SECTION _____. For the purpose of qualifying for an electing the position of family court judge, this act shall take effect upon becoming a law, the public welfare requiring it.

SECTION _____. The provisions of this act shall not apply in any city in the Twentieth Judicial Circuit which has a juvenile court on the effective date of this act.

Mr. McKinney moved that the Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes	31
Noes	58

Representatives voting aye were: Bell (Wilson), Bivens, Bragg, Buck, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Ellis, Frenley, Gill, Hillis, Jared, Johnson, Lashlee, Love, McKinney, Murphy (Shelby), Murray, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Sir, Tanner, Wheeler, Wix and Work--31.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Brewer, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davis (Pickett), Disspayne, Duer, Duncan, Ford, Gaia, Harrill, Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kent, King (Shelby), King (Washington), McAfee McNally, Miller, Montgomery, Moore, Murphy (Davidson), Naifeh, Owen, Percy, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Spence, Stafford, Stallings, Sterling, Turner, Ussery, Wallace, Webb, Whitson, Withers, Wolfe, Wood and Yelton--58.

Thereupon, Amendment No. 4 was moved to the heel of the Amendments.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 682 by adding a new section to read as follows:

SECTION 3. Appeals from cases before a court sitting as a juvenile court shall be taken to the court of appeals or court of criminal appeals as in other cases.

Mr. Cobb moved that, without objection, Senate Bill No. 682 be placed at the heel of the Calendar for today, which motion prevailed.

Mr. Burnett moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 463 out of order, which motion prevailed.

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House Joint Resolution No. 463--Relative to recess, 92nd General Assembly--By Burnett and Henry (Roane).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Burnett, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

262--Relative to congratulating Franklin High School Marching Band;

263--Relative to sympathy, C. Weber Tuley;

264--Relative to sympathy, Don Welch;

265--Relative to commending Coach Gary Houck and Lake City High School boys basketball team;

266--Relative to congratulating Coach Tony Cross and Lake City High School girls basketball team;

272--Relative to inspection of nursing homes; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Ellis moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 263 out of order, which motion prevailed.

Senate Joint Resolution No. 263--Relative to sympathy, C. Weber Tuley.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Ellis, the resolution was concurred in.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF HOUSE BILL NO. 2289

House Bill No. 2289--To amend Title 49, Code.

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Mr. Bivens moved that the motion to reconsider House Bill No. 2289 be lifted from the table, which motion prevailed.

Mr. Bivens moved that the House reconsider its action in passing House Bill No. 2289 on third and final consideration, as amended, which motion prevailed.

Mr. Bivens moved to amend as follows:

AMENDMENT NO. 6

Amend House Bill No. 2289 in subdivision (b)(4)(B)(i) of the amendatory language of Section 1, by deleting the words:

"provided that the merger shall not be effective unless the contiguous city system with which merger is being sought shall approve the merger by majority vote of its board of education and of its city governing body"

and substituting instead the words:

provided that the merger shall not be effective unless the board of education of the system with which merger is sought approves the merger by a majority vote of the board, and unless the city governing body by a majority vote approves the merger in the case of a merger with a city school system

AND FURTHER AMEND in Section 4 by deleting the section in its entirety and substituting instead the following:

Section 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2289, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington),

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Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representative present and not voting was: Dills--1.

A motion to reconsider was tabled.

On motion of Mr. Hudson, Senate Bill No. 1787 was recalled from the Senate for further consideration.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

267--Relative to confirming appointment, Alfred C. Galloway; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Love moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 267 out of order, which motion prevailed.

Senate Joint Resolution No. 267--Relative to confirming appointment, Alfred C. Galloway.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return Senate Bill No. 2397, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF SENATE BILL NO. 2397

Senate Bill No. 2397--To amend Chapter 482, Private Acts, 1911.

Mr. Work moved that the motion to reconsider Senate Bill No. 2397 be lifted from the table, which motion prevailed.

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Mr. Work moved that the House reconsider its action in passing Senate Bill No. 2397 on third and final consideration, as amended, which motion prevailed.

Mr. Work moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2397 by striking from the new Section 11 proposed to be substituted from the extant Section 11 in Article II, of Chapter 482 of the Private Acts of 1911 as amended by Section 1 thereof the following language:

"less than five (5) nor"

where that language appears in the third line of the proposed new Section 11.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2397, as amended, passed its third and final consideration by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--91.

A motion to reconsider was tabled.

On motion of Mr. Love, House Bill No. 1937 was withdrawn from the House.

House Bill No. 1738--Supplemental Appropriations Bill.

On motion, House Bill No. 1738 was made to conform with Senate Bill No. 1928.

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On motion, Senate Bill No. 1928, on same subject, was substituted for House Bill No. 1738.

Mr. Rhinehart moved that Senate Bill No. 1928 be passed on third and final consideration.

Mr. Bragg moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1928 by inserting the following new paragraph immediately preceding the second paragraph of Section 1:

No funds appropriated to the department of transportation pursuant to the provisions of this act shall be expended or obligated to develop or implement a scenic highway or parkway system.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1928, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representative voting no was: Copeland--1.

A motion to reconsider was tabled.

House Bill No. 1987--To make certain provisions, Department of Corrections.

On motion, House Bill No. 1987 was made to conform with Senate Bill No. 1900.

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On motion, Senate Bill No. 1900, on same subject, was substituted for House Bill No. 1987.

Mr. Davis (Hamilton) moved that Senate Bill No. 1900 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

Senate Bill No. 1485--To prohibit reflectorized windows, motor vehicles.

Mr. Davis (Hamilton) moved that Senate Bill No. 1485 be passed on third and final consideration.

Mr. Davis (Hamilton) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1485 by deleting Section 3 in its entirety and by substituting instead the following:

Section 3. This act shall only apply to new motor vehicles sold in Tennessee after the effective date of this act.

Section 4. This act shall take effect on July 1, 1983, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Moore moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1485 by adding at the end of paragraph (a) of the amendatory language of Section 1 a new sentence, as follows:

Provided, however, that the provisions of this subsection shall not be construed to prohibit the use of acrylic sheeting or other acrylic products in the manufacture or replacement of vehicle windows.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1485, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

Representatives voting no were: Jones, King (Washington) and Withers--3.

A motion to reconsider was tabled.

On motion, House Bills Nos. 1151, 2268, 2084, 2223 and 2277, and Senate Bills Nos. 1639 were moved to the next Calendar.

Mr. McKinney moved that the House stand in recess for forty-five minutes, which motion prevailed by the following vote:

Ayes	52
Noes	36
Present and not voting	2

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Buck, Byrd, Carter, Clark (Davidson), Cobb, Copeland, Covington, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Duer, Ellis, Gaia, Gill, Hudson, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), Lashlee, Love, McAfee, McKinney, Moore, Murphy (Davidson), Murray,

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Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shockley, Sir, Spence, Sterling, Turner, Wallace, Wheeler, Withers, Wix, Wood, Work and Yelton--52.

Representatives voting no were: Baker, Bell (Knox), Bewley, Bragg, Burnett, Chiles, Disspayne, Duncan, Ford, Frensley, Harrill, Hillis, Hurley, Huskey, Kelley, King (Washington), McNally, Miller, Montgomery, Murphy (Shelby), Naifeh, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Small, Smith, Stafford, Stallings, Tanner, Ussery, Webb, Whitson and Wolfe--36.

Representatives present and not voting were: Owen and Starnes--2.

The recess having expired, the House was called to order by Mr. Speaker McWherter.

On motion, the roll call was dispensed with.

Mr. Turner was excused for the remainder of today's Session due to illness in the family.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1927, 2175, 2271, 2279, 2289, 2293, 2328, 2353, 2376, 2379, 2385, 2388, 2389, 2391, 2392, 2393, 2401 and 2404; and House Joint Resolutions Nos. 197, 303, 306, 308, 339, 380, 451, 453, 455, 456, 459, 461 and 463; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

276--Relative to commending Tennessee affiliate, American Heart Association;

277--Relative to honoring Mildred Eloise Doyle;

279--Relative to honoring A.J. Koblentz; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1562--To regulate care, certain inmates;

2265--To make appropriations, adult vocational technical training programs; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill Nos:

2318--To regulate board of education, Roane County;

2319--To provide for juvenile jurisdiction, Robertson County;

2323--To regulate general sessions court, Roane County;

2326--To regulate Morgan County School Board;

2327--To make certain provisions, Morgan County School Board;

2333--To establish fund, medically indigent, Obion County;

2334--To provide for sale of real property, certain counties;

2346--To create juvenile court, Obion County;

2354--To regulate Court of General Sessions, Houston County;

2365--To vest jurisdiction of probate matters, Decatur County;

2366--To amend Henry County Road Law;

2370--To authorize sale of real and personal property, McKenzie;

2372--To amend Chapter 116, Private Acts, 1981;

2373--To amend Chapter 116, Private Act, 1981;

2374--To provide trust fund, medically indigent, McKenzie; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No:

454--Relative to supporting efforts for fair electric rates; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1489 and 1799; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

167--To authorize bond issue, bridge at Cockrill Bend.

The Senate repassed House Bill No. 167, the Governor's objections to the contrary notwithstanding.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1739--General Appropriations Bill.

The Speaker appointed a Conference Committee composed of Senators Henry, Dunavant, Hamilton, Garland, Ford, Darnell, Rucker, Burleson, Moore, Atchley, Hicks and Crouch to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 1739.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.:

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271--Relative to urging Congress, support legislation, issuance mortgage revenue bonds; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

2071--To regulate state senatorial districts;

2436--To amend Chapter 6, Private Acts, 1941; both passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Pursuant to House Resolution No. 147, the Clerk was directed to request the return of House Bill No. 1457 from the Governor's Office.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1457, for the purpose of correcting an engrossing error in accordance with House Resolution No. 147 and Senate Resolution No. 57.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Clerk:

In accordance with the terms of House Resolution No. 147 passed on April 7, 1982 and Senate Resolution No. 57 passed on April 8, 1982, the Governor has directed me to return House Bill No. 1457 to you for the purpose of correcting an engrossing error contained therein when it was originally transmitted to the Governor. Upon your presenting the corrected bill to the Governor, he will begin to consider it in accordance with Article III, Section 18 of the Tennessee Constitution.

Very truly yours,

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill No. 1457; and find same correctly

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enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed House Bill No. 1457.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No. 1457; signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1457; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

2401--To amend Charter, Burns;

2404--To increase litigation tax, Campbell County; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.:

437--Relative to congratulating Tennessee Tech Rifle Team;

438--Relative to commending Robert Churchwell, Sr.;

439--Relative to congratulating Austin-East High School boys basketball team;

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440--Relative to memory, Don Marshall;

441--Relative to honoring Dr. Andrew David Holt;

443--Relative to commending Cindy Fairless;

445--Relative to commending Harry McKeldin;

446--Relative to honoring Mrs. Freida Ortwein;

448--Relative to congratulating Cecil Hilgie Butcher, Sr.;

449--Relative to congratulating Smyrna High School cheerleading squad;

450--Relative to honoring Miss Darcy Rodgers; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

1393--To amend Section 8-30-306, Code;

1489--To amend Section 48-814, Code;

1631--To amend Chapter 848, Public Acts, 1978;

2123--To change boundary line, Greene and Washington counties;

2175--To regulate powers, state fire marshal;

2271--To provide operation, hot mix asphalt and crushed rock;

2279--To regulate jurisdiction, certain city judges;

2289--To regulate school districts;

2293--To amend Section 6-21-501, Code;

2311--To regulate training of coon dogs, Hawkins County;

2312--To impose litigation tax, Hawkins County;

2313--To set compensation, County Attorney, Hawkins County;

2320--To create Juvenile Court, Hawkins County;

2328--To amend Section 5-6-105, Code;

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2329--To provide for probate jurisdiction, Greene County;

2332--To amend Charter, Lewisburg;

2338--To vest probate jurisdiction, Carter County;

2353--To create Court of General Sessions, Stewart County;

2367--To amend Chapter 326, Private Acts, 1970;

2376--To revise Charter, Lewisburg;

2379--To amend Section 16-16-201, Code;

2385--To place probate jurisdiction, Rhea County;

2388--To provide referendum, question of dividing districts, Lexington;

2389--To amend Chapter 239, Private Acts 1937; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

392--Relative to honoring Mr. Crill Higgins;

394--Relative to honoring Dr. H. Pierre Secher;

395--Relative to congratulating Sweetwater girls basketball team;

396--Relative to congratulating University of Tennessee Chattanooga Moccasins;

397--Relative to commending Jody Daniels;

398--Relative to memory, Judge Lloyd Garrison McCluen;

416--Relative to establishing a Tennessee Hall of Fame;

419--Relative to congratulating Tennessee Temple University basketball team;

420--Relative to welcoming American Boarding Kennels Association;

421--Relative to congratulating Sport Writers' All-State girls' basketball team;

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422--Relative to congratulating All-Nashville boys' basketball team;

423--Relative to congratulating Kelly Miller Smith, Sr.;

425--Relative to congratulating Miss Jackie Cowan;

427--Relative to congratulating Richland High School Lady Raiders;

428--Relative to honoring Judge Clinton "Spider" Webb;

429--Relative to congratulating Cohn High School Black Knights;

430--Relative to congratulating Nashville Interscholastic League girls' basketabl team;

431--Relative to congratulating Congressman James H. Quillen;

432--Relative to honoring Bob Parkins;

433--Relative to honoring Charles C. Dawson;

434--Relative to congratulating Isaiah Thornton Creswell, Sr.;

435--Relative to congratulating Mrs. Barbara Mann;

436--Relative to congratulating Mrs. DeLois J. Wilkinson; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF SENATE BILL NO. 682

Senate Bill No. 682--To enact "Juvenile Court Restructure Act of 1981".

Mr. Cobb moved that Senate Bill No. 682 be passed on third and final consideration.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 682 by adding a new section to read as follows:

SECTION ____ . Appeals from cases before a court sitting as a juvenile court shall be taken to the court of appeals or court of criminal appeals as in othr cases.

On motion, the amendment was adopted.

FURTHER CONSIDERATION OF AMENDMENT NO. 2

Mr. Murphy (Davidson) moved to amend amendment No. 2 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 2

Amend Amendment No. 1 by deleting the word "Shall" & substituting the word "May" in the first two paragraphs.

On motion, Amendment No. 1 to Amendment No. 2 was adopted.

Thereupon, Amendment No. 2, as amended, was adopted.

FURTHER CONSIDERTION OF AMENDMENT NO. 4

Mr. Lashlee moved to amend Amendment No. 4 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 4

Amend Amendment No. 4 by further amending Section #17 by ading that none of the courts so stated shall have any state funds now or in the future funding said courts established unless the General Assembly approves said funds. The Judges of said courts shall run for election on August 5th 1982. The Judges of said courts shall be funded solely by county funds & the employees of said courts to be funded by county funds. The Judge or employees of said established courts shall not be able to participate in state retirement programs.

The salary of said Judges shall be no more than General Sessions Judges in said counties.

On motion, Amendment No. 1 to Amendment No. 4 was adopted.

Mr. Rhinehart moved the previous question, on Amendment No. 4, which motion failed by the following vote:

Ayes	47
Noes	34
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bewley, Bivens, Buck, Burnett, Carter, Chiles, Clark (Davidson), Crain, Disspayne, Duer, Duncan, Ford, Frensley, Harrill, Hurley, Huskey, Jared, Kelley, Kernell, McAfee, McNally, Montgomery, Moore, Owen, Percy, Rhinehart, Robinson (Washington), Scruggs, Severance, Shirley, Sir, Small, Spence, Stafford, Stallings, Starnes, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood and Yelton--47.

Representatives voting no were: Bell (Knox), Bell (Wilson), Bragg, Clark (Sumner), Covington, Davidson, Davis (Gibson), DeBerry, Dills, Ellis, Gaia, Gill, Henry (Roane), Hillis, Hudson, Johnson, Kent, Lashlee, Love, McKinney, Miller, Murphy (Davidson), Murphy

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(Shelby), Murray, Naifeh, Pickering, Pruitt, Robertson, Robinson (Hamilton), Shockley, Smith, Sterling, Tanner and Withers--34.

Mr. Baker renewed his motion for the adoption of Amendment No. 4.

Mr. Murphy (Shelby) moved that the motion be tabled, which motion failed by the following vote:

Ayes	44
Noes	46
Present and not voting	1

Representatives voting aye were: Bell (Wilson), Bivens, Bragg, Burnett, Clark (Davidson), Crain, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Disspayne, Ellis, Frensley, Gill, Hillis, Hurley, Jared, Johnson, Kernell, Lashlee, Love, McKinney, Miller, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Davidson), Shirley, Shockley, Sir, Stallings, Tanner, Wheeler, Withers, Wix, Work and Mr. Speaker McWherter--44.

Representatives voting no were: Akard, Baker, Bell (Knox), Bewley, Brewer, Buck, Byrd, Carter, Chiles, Clark (Sumner), Covington, DeBerry, Duer, Duncan, Ford, Gaia, Harrill, Henry (Roane), Hudson, Huskey, Kelley, Kent, King (Shelby), King (Washington), McAfee, McNally, Montgomery, Moore, Murphy (Davidson), Percy, Robertson, Robinson (Washington), Scruggs, Severance, Smith, Spence, Stafford, Sterling, Turner, Ussery, Wallace, Webb, Whitson, Wolfe, Wood and Yelton--46.

Representative present and not voting was: Robinson (Hamilton)--1.

On motion, Senate Bill No. 682 was moved down to the heel of today's Calendar.

House Bill No. 1579--To make provisions, load limitations, certain vehicles.

On motion, House Bill No. 1579 was made to conform with Senate Bill No. 1662.

On motion, Senate Bill No. 1662, on same subject, was substituted for House Bill No. 1579.

Mr. Wheeler moved that Senate Bill No. 1662 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1662 by adding new sections, as follow, prior to the last section and renumbering such section accordingly:

SECTION ____. Tennessee Code Annotated, Section 55-11-201, is amended by deleting items (1) through (3) of subsection (a) and substituting instead the following:

(1) That when the motor vehicle consists of a truck-tractor and semi-trailer or trailer combination, the towed vehicle shall not exceed forty-seven feet (47') in length from the point of attachment to the tractor except that this length may be increased to fifty-two feet (52') when the load on such vehicle consists of livestock, or automobiles and/or motor vehicles.

Tennessee Code Annotated, Section 55-11-201, is further amended in subsection (a) by renumbering item (4) to be item (2).

SECTION ____. Tennessee Code Annotated, Section 55-11-205, is amended by deleting subsection (i) in its entirety and by substituting instead the following:

(i) A violation of a material provision of a special permit shall render it void.

SECTION ____. Tennessee Code Annotated, Section 55-11-205, subsection (g), is amended by deleting the first paragraph of item (5) in its entirety and by substituting instead the following:

A permit shall be available from the department of transportation on an annual basis for overdimensional and/or overweight vehicles for five hundred dollars (\$500) per year for weights up to one hundred twenty thousand (120,000) pounds and for one thousand dollars (\$1,000) per year for weights in excess of one hundred twenty thousand (120,000) pounds. Movements in excess of one hundred fifty thousand (150,000) pounds shall be required to obtain a special permit at a cost of fifteen dollars (\$15) plus five cents (\$.05) per ton-mile for all weight in excess of one hundred fifty thousand (150,000) pounds.

Mr. Robertson moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the following words, punctuation and numerals:

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Section _____. Tennessee Code Annotated, Section 55-11-201, is amended by deleting items (1) through (3) of subsection (a) and substituting instead the following:

(1)

and by substituting instead the following:

Section _____. Tennessee Code Annotated, Section 55-11-201, is amended by deleting item (2) of subsection (a) and substituting instead the following:

(2)

AND FURTHER AMEND by deleting from Committee Amendment #2 the following words, punctuation and numerals:

Tennessee Code Annotated, Section 55-11-201, is further amended in subsection (a) by renumbering item (4) to be item (2).

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 1662 by deleting Section 1 in its entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Title 55, Chapter 4, is amended by adding the following as a new section:

Section _____. Any vehicle, freight motor vehicle, truck-tractor trailer or semitrailer or combinations of such vehicle which transports crushed stone, fill dirt and rock, soil, buck sand coal, phosphate muck, asphalt, concrete, other building materials, solid waste and agricultural products shall be permitted to register as follows:

(1) Such vehicles hauling such products in a single unit motor vehicle having four (4) axles and designed to unload itself, with a gross weight not exceeding 73,280 pounds including the load thereon shall be permitted to register as a Class 10 vehicle, or purchase the appropriate special zone tag.

(2) Such vehicles hauling such products in a single unit motor vehicle having three (3) axles and designed to unload itself with a gross weight not exceeding 66,000 pounds including the load thereon shall be permitted to register as a Class 9 vehicle, or purchase the appropriate special zone tag.

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The provisions of item (2) of this section shall not apply to a new vehicle purchased after the effective date of this act for use in hauling such products.

SECTION 2. Tennessee Code Annotated, Section 55-11-205, is amended by adding the following as a new subsection to be appropriately numbered:

() Notwithstanding any other provision of the law to the contrary, in addition to purchasing the tags for such vehicles pursuant to Section 1 of this act, a permit shall be available from the department of transportation and the department of transportation shall issue annual permits for the movement on all highways within this state of the natural resources or products as set forth in Section 1 of this act. The commissioner of transportation shall charge a fee of one hundred fifty dollars (\$150.00) per truck for the granting of this special annual permit.

On motion, the amendment was adopted.

Mr. McKinney moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 1662 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The maximum allowable gross weight of a vehicle, freight motor vehicle, truck-tractor, trailer or semitrailer, or combinations of such vehicles, which transports solid waste shall not be calculated on a per axle configuration but shall be determined to be in compliance with the law if the maximum total gross weight, including the load thereon, does not exceed the sum obtained by computing the total weight allowable for the number and type of its axles. If the maximum total gross weight of such vehicle does not exceed such sum, the driver shall not be cited for violation of an axle weight limitation while transporting such resources or products over the state highway system.

Section _____. Any truck with a tandem axle registered in this state on July 31, 1982 which transports solid waste shall be permitted to register as a Class 9 vehicle. Provided, however, the maximum allowable gross weight for such vehicle shall not be calculated on a per axle configuration but shall be determined to be in compliance with the law if the maximum total gross weight, including the load thereon, does not exceed the maximum total gross weight permitted for Class 9 vehicles, including a reasonable tolerance.

The calculations for determining the maximum allowable gross weight for special zone licenses issued for such vehicles for such purposes pursuant to Tennessee Code Annotated, Section 55-4-113, subsection (7), shall be made in accordance with the provisions of this section.

Section __. Notwithstanding any other provisions of the law to the contrary, whenever a vehicle, freight motor vehicle, truck-tractor, trailer or semitrailer, or combinations of such vehicles, transporting solid wastes is weighted in this state, a tolerance of ten percent (10%) of the total gross weight of such vehicle, including the load thereon, shall be deemed to be a reasonable tolerance. Provided, however, the maximum gross weight of such vehicle, and the load thereon, including such tolerance, shall in no event exceed eighty thousand (80,000) pounds.

On motion, the amendment was adopted.

Mr. Wolfe moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 1662 by adding a new section, as follows, immediately before the last section:

SECTION __. Vehicles hauling sawdust or logs shall be allowed a ten percent (10%) tolerance over the maximum weight for the class in which they are registered and, if within such tolerance, shall not be charged with any offense on that account or assessed any overweight tax, fine, or penalty.

Mr. Robinson (Davidson) moved that the Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes	49
Noes	39
Present and not voting	1

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bragg, Brewer, Buck, Burnett, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Gibson), DeBerry, Disspayne, Ellis, Ford, Gaia, Gill, Henry (Roane), Hillis, Hudson, Huskey, Jared, King (Washington), Love, McKinney, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Smith, Spence, Stafford, Starnes, Tanner, Ussery, Wheeler, Wix and Work--49.

Representatives voting no were: Akard, Baker, Bewley, Bivens, Byrd, Carter, Chiles, Copeland, Crain, Davidson, Davis (Pickett), DePriest, Dills, Duer, Duncan, Frensley, Harrill, Hurley, Johnson, Kelley, Lashlee, McAfee, McNally, Montgomery, Murphy (Shelby),

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Pickering, Shirley, Shockley, Sir, Stallings, Sterling, Turner, Wallace, Webb, Whitson, Withers, Wolfe, Wood and Yelton--39.

Representative present and not voting was: Kent--1.

Mr. Clark (Sumner) moved to amend as follows:

AMENDMENT NO. 5

Amend Senate Bill No. 1662 by adding a new section, as follows, immediately before the effective date section:

Section . All revenue received as a result of any permit fee provided for by this act shall be earmarked for highway maintenance.

On motion, the amendment was adopted.

Mr. Henry (Roane) moved to amend as follows:

AMENDMENT NO. 6

Amend Senate Bill No. 1662 by adding a new section as follows, immediately before the effective date section:

Section . All revenue received as a result of any permit fee provided for by this act shall be earmarked for highway maintenance.

On motion, the amendment was adopted.

On motion, Senate Bill No. 1662 was moved down on today's Calendar.

House Bill No. 2089--To provide for adult technical vocational training programs.

On motion, House Bill No. 2089 was made to conform with Senate Bill No. 2265.

On motion, Senate Bill No. 2265, on same subject, was substituted for House Bill No. 2089.

Mr. Withers moved that Senate Bill No. 2265 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	77
Noes	13

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills,

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Disspayne, Duer, Duncan, Ellis, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Severance, Shockley, Sir, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood and Work--77.

Representatives voting no were: Bivens, Ford, Gill, Hudson, Montgomery, Moore, Robertson, Robinson (Washington), Scruggs, Shirley, Ussery, Wallace and Yelton--13.

A motion to reconsider was tabled.

House Bill No. 1938--To set requirements, board of paroles.

Mr. Love moved that House Bill No. 1938 be passed on third and final consideration.

Mr. Love moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 1938 by deleting from Section 1 the words "The board of paroles, in cooperation with"

AND FURTHER AMEND by deleting from Section 1 the words "a set of his fingerprints, a photograph of such person,".

On motion, the amendment was adopted.

Thereupon, House Bill No. 1938, as amended, passed its third and final consideration by the following vote:

Ayes	80
Noes	13

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--80.

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Representatives voting no were: Bell (Knox), Bewley, Carter, Chiles, Duer, Ford, Hudson, Huskey, Kent, Robertson, Scruggs, Smith and Webb--13.

A motion to reconsider was tabled.

House Bill No. 1742--To continue funding, certain judicial circuits.

On motion, House Bill No. 1742 was made to conform with Senate Bill No. 1512.

On motion, Senate Bill No. 1512, on same subject, was substituted for House Bill No. 1742.

Mr. Jared moved that Senate Bill No. 1512 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton--92.

A motion to reconsider was tabled.

House Bill No. 1788--To set punishment, solicitation of prostitution.

On motion, House Bill No. 1788 was made to conform with Senate Bill No. 1765.

On motion, Senate Bill No. 1765, on same subject, was substituted for House Bill No. 1788.

Ms. DeBerry moved that Senate Bill No. 1765 be passed on third and final consideration.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 1765 by adding the words "or church" between the words "educational institution" and "is located" in subsection (a) of the amendatory language of Section 1.

On motion, the amendment was adopted.

Mr. McKinney moved the previous question, which motion failed by the following vote:

Ayes	50
Noes	29
Present and not voting	3

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Buck, Clark (Davidson), Clark (Sumner), Covington, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Duer, Ellis, Ford, Gill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Kent, Kernell, King (Washington), Lashlee, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Severance, Shirley, Shockley, Sir, Smith, Stafford, Sterling, Tanner, Wallace, Webb, Wix, Wood and Yelton--50

Representatives voting no were: Baker, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Cobb, Davidson, Davis (Hamilton), DeBerry, DePriest, Frensley, Johnson, Jones, Kelley, Love, McAfee, McNally, Owen, Pickering, Richardson, Robinson (Washington), Scruggs, Spence, Stallings, Turner, Whitson and Work--29.

Representatives present and not voting were: Harrill, Robinson (Hamilton) and Wolfe--3.

Thereupon, Senate Bill No. 1765, as amended, passed its third and final consideration by the following vote:

Ayes	90
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes,

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Sterling, Tanner, Turner, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--90.

A motion to reconsider was tabled.

House Bill No. 1434--To allow payroll deductions, association dues.

On motion, House Bill No. 1434 was made to conform with Senate Bill No. 1473.

On motion, Senate Bill No. 1473, on same subject, was substituted for House Bill No. 1434.

Mr. Davis (Hamilton) moved that the rules be suspended for the purpose of considering Senate Bill No. 1473.

The following members filed an objection to the suspension of the rules.

OBJECTION TO SUSPENSION OF RULES

MR. SPEAKER:

I object to the suspension of the Rules for consideration of Senate Bill No. 1473 and request along with the other five members signing hereunder a roll call vote on the machine.

REP. MIKE ROBERTSON
REP. RAY CLARK
REP. JAMES M. HENRY
REP. PAUL SCRUGGS
REP. LOY SMITH
REP. LARRY HUSKEY
REP. BILL CARTER

The Speaker ruled that the objection was timely filed.

Thereupon, the motion to suspend the rules for consideration of Senate Bill No. 1473 failed by the following vote:

Ayes	57
Noes	33
Present and not voting	1

Representatives voting aye were: Akard, Bell (Knox), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Ellis, Ford, Gaia, Gill, Hillis, Jared, Johnson, Jones, Kernell, King (Shelby), King (Washington), Lashlee, Love, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Spence,

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Stallings, Starnes, Tanner, Wallace, Wheeler, Withers, Work, Yelton and Mr. Speaker McWherter--57.

Representatives voting no were: Bewley, Carter, Chiles, Clark (Sumner), Duer, Duncan, Frensley, Harrill, Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kent, McAfee, McNally, Montgomery, Moore, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stafford, Sterling, Ussery, Webb, Whitson, Wolfe and Wood--33.

Representatives present and not voting was: Dills--1.

The Speaker announced that Senate Bill No. 1473 would be placed on the next Calendar.

STATEMENT ON SENATE BILL NO. 1473

I oppose HB 1434 (SB 1473) as it is now written. I voted to suspend the rules to consider this Bill tonight because I think we need to work off the bills on the Calendar, complete our business and adjourn.

REP. BILL OWEN

House Bill No. 1895--To provide rights, police officers during investigations.

On motion, House Bill No. 1895 was made to conform with Senate Bill No. 2001.

On motion, Senate Bill No. 2001, on same subject, was substituted for House Bill No. 1895.

Mr. Covington moved that Senate Bill No. 2001 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2001 by adding the following as a new Section 10 and by renumbering the effective date section accordingly:

SECTION 10. Whenever, as a result of a hearing under the provisions of this act, the recommendations of the panel indicate that any police officer is guilty or that the actions of his supervisor were appropriate in dismissing, demoting, suspending or transferring such police officer for punitive reasons, the district attorney general shall appear before and seek an indictment from the grand jury.

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AND FURTHER AMEND by adding the words "except as provided in Section 10" after the words "advisory only" in the second sentence of Section 7.

On motion, the amendment was adopted.

Messrs. Lashlee and Jared asked to be recorded as "present and not voting" on the adoption of Amendment No. 1.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 2001 by deleting Section 3 in its entirety, renumbering subsequent sections accordingly.

Mr. Covington moved that the Amendment No. 2 be tabled, which motion prevailed.

Mr. Murphy (Shelby) moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 2001 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION _____. The provisions of this act shall not apply in any county having a population of not less than 750,000 nor more than 1,000,000 according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was withdrawn.

Mr. Covington moved to amend as follows:

AMENDMENT NO. 4

Amend Senate Bill No. 2001 by adding to Section 9 the following:

Provided, however, the provisions of this act shall not supersede the procedural rights provided to police officers in any agreement between any agency and an employees organization or association. Where the said agreement provides rights or remedies greater than those provided by this act, the agreement shall take precedence over the provisions of this act.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2001, as amended, passed its third and final consideration by the following vote:

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Ayes	89
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

Representatives voting no were: Moore and Stafford--2.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 682

On motion of Mr. Baker, Amendment No. 4, as amended, was withdrawn.

Thereupon, Senate Bill No. 682, as amended, passed its third and final consideration by the following vote:

Ayes	82
Noes	7
Present and not voting	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Naifeh, Owen, Percy, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Yelton and Mr. Speaker McWherter--82.

Representatives voting no were: Bell (Wilson), Crain, Davis (Pickett), Gill, Murray, Rhinehart and Work--7.

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Representatives present and not voting were: Clark (Sumner), Pickering, Shirley and Wix--4.

A motion to reconsider was tabled.

FURTHER CONSIDERATION OF SENATE BILL NO. 1662

Mr. Dills moved to amend as follows:

AMENDMENT NO. 7

Amend Senate Bill No. 1662 by adding a new section, as follows, immediately before the last section:

Section ____ Vehicles hauling agricultural products from point of harvest to point of initial sale, shall be allowed a ten percent (10%) tolerance over the maximum weight for the class in which they are registered and, if within such tolerance, shall not be charged with any offense on that account or assessed any overweight tax, fine or penalty.

Mr. Henry (Roane) moved that the Amendment No. 7 be tabled, which motion prevailed by the following vote:

Ayes	46
Noes	42
Present and not voting	2

Representatives voting aye were: Bell (Wilson), Bewley, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Covington, DeBerry, Duer, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hudson, Hurley, Huskey, King (Shelby), King (Washington), McNally, Miller, Moore, Murphy (Shelby), Murray, Owen, Percy, Pruitt, Robertson, Robinson (Davidson), Scruggs, Severance, Shockley, Smith, Spence, Stafford, Starnes, Sterling, Ussery, Webb, Wheeler, Withers and Wood--46.

Representatives voting no were: Akard, Baker, Bivens, Byrd, Carter, Copeland, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Dills, Disspayne, Duncan, Ellis, Hillis, Jared, Johnson, Kelley, Kernell, Lashlee, Love, McKinney, Montgomery, Murphy (Davidson), Naifeh, Pickering, Rhinehart, Richardson, Robinson (Washington), Shirley, Sir, Small, Stallings, Tanner, Turner, Wallace, Witson, Wix, Wolfe, Work and Yelton--42.

Representative present and not voting were: Jones and Kent--2.

Thereupon, Senate Bill No. 1662, as amended, passed its third and final consideration by the following vote:

Ayes	76
Noes	17
Present and not voting	2

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Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Burnett, Carter, Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ford, Frensley, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, Miller, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Work, Yelton and Mr. Speaker McWherter--76.

Representatives voting no were: Bewley, Buck, Byrd, Chiles, Cobb, Crain, Gaia, Gill, Jones, Kent, Kernell, McNally, Montgomery, Murphy (Davidson), Percy, Pickering and Turner--17.

Representatives present and not voting were: Shirley and Wood--2.

A motion to reconsider was tabled.

House Bill No. 2033--To regulate leasing of property, blind persons.

On motion, House Bill No. 2033 was made to conform with Senate Bill No. 2118.

On motion, Senate Bill No. 2118, on same subject, was substituted for House Bill No. 2033.

Mr. Murphy (Davidson) moved that Senate Bill No. 2118 be passed on third and final consideration.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 2118 by adding the following language at the end of the amendatory language of Section 1, subsection (a):

Provided, however, if an apartment complex or other type of dwelling does not permit any tenant to keep or have pets within such complex or dwelling, this act shall not be applicable to such apartment complex or other type of dwelling.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved that Senate Bill No. 2118 be placed on the next Calendar, which motion prevailed.

House Bill No. 1993--To set State Senatorial Districts.

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On motion, House Bill No. 1993 was made to conform with Senate Bill No. 2071.

On motion, Senate Bill No. 2071, on same subject was substituted for House Bill No. 1993.

Mr. Burnett moved that Senate Bill No. 2071 be passed on third and final consideration.

Mr. Moore moved the previous question, which motion prevailed by the following vote:

Ayes	78
Noes	11
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Shelby), Love, McAfee, McKinney, McNally, Montgomery, Moore, Murphy (Davidson), Murray, Percy, Phillips, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton--78.

Representatives voting no were: Crain, Davidson, DeBerry, Jones, King (Washington), Miller, Naifeh, Owen, Rhinehart, Robertson and Spence--11.

Representative present and not voting was: Duncan--1.

Thereupon, Senate Bill No. 2071, passed its third and final consideration by the following vote:

Ayes	75
Noes	16
Present and not voting	3

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hudson, Hurley, Huskey, Johnson, Kelley, Kent, Kernell, Lashlee, Love, McAfee, McKinney, McNally, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Percy, Phillips, Pickering, Pruitt, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Spence,

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Stafford, Starnes, Sterling, Tanner, Ussery, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--75.

Representatives voting no were: Brewer, Burnett, Crain, Davidson, Hillis, Jones, King (Shelby), King (Washington), Miller, Naifeh, Owen, Rhinehart, Small, Stallings, Wallace and Withers--16.

Representatives present and not voting were: Duncan, Jared and Shirley--3.

A motion to reconsider was tabled.

REMARKS BY MR. KING (WASHINGTON)

Mr. Speaker, Ladies and Gentlemen of the House:

Under the latest senatorial reapportionment plan Washington County is divided again between two senatorial districts even though Washington County is by far larger than any other county in either of those two districts in upper East Tennessee.

There is no apparent reason to divide Washington County in this way -- contrary to the state constitution and contrary to the interests of the citizens of Washington County. A plan could be drawn that would not divide Washington County and that would affect no other senatorial district other than the two into which Washington County has been divided under the latest senate redistricting plan.

There would then be three senate districts in the Tri-Cities area: one composed of all of Sullivan County; another composed of Johnson, Carter, Unicoi and Greene Counties; and another composed of Washington, Hawkins and Hancock Counties. All three districts would conform to the one-man-one vote principle and also to the Tennessee constitutional mandate that counties should not be divided between senatorial districts. A map of the districts is attached to demonstrate how easily this could be done. Also, the counties are all contiguous.

It is obvious that the attached Senate districts more clearly conform to the recent Supreme Court guidelines. In fact, there seems to be little legal or practical justification for dividing Washington County when it can so easily be included in one senatorial district.

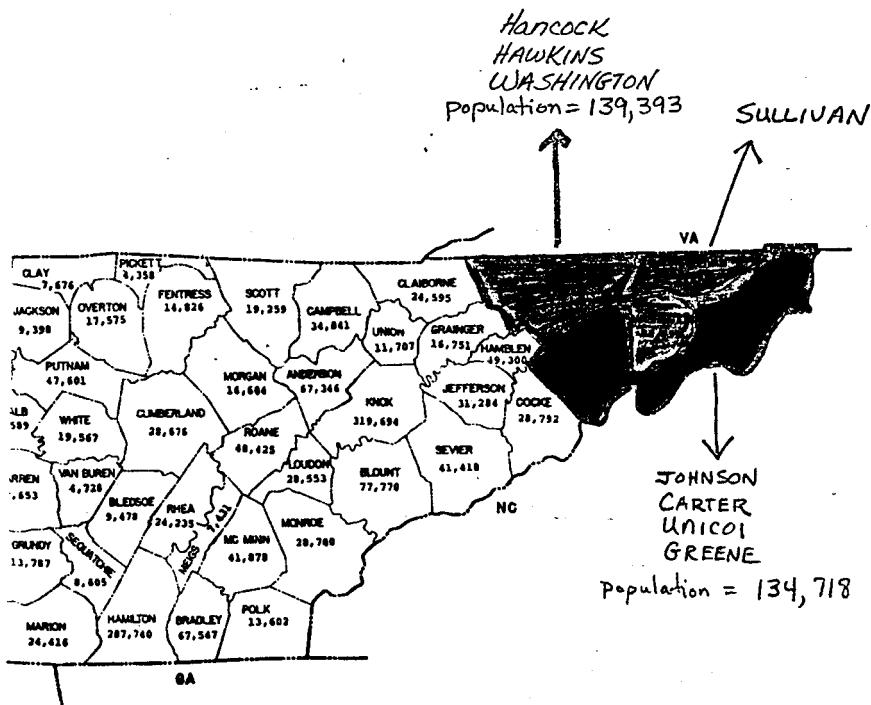
Washington County's interests-- nor in fact the interests of the citizens of any of the other counties in the districts in question -- do not appear to be served by any plan that divides the county and fragments its representation in the senate. It is obvious that the citizens of any county are more clearly served by a plan that makes it perfectly clear as to exactly what senator represents that county.

Washington County has been lucky to have good men representing it in the Senate. But there is nothing to assure that the luck of the draw will always be so good.

Certainly we would all like to have districts that virtually assured our re-elections. Survival is a normal human instinct. But our individual political careers must come second to our responsibility to fairly represent the citizens of our districts and Tennessee.

I would like to request that these remarks and a copy of the attached map be placed in the official journal.

REP. BOB KING



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REMARKS BY MR. DAVIDSON

Mr. Speaker McWherter,

I am voting in opposition to SB 2071. No one in Robertson County was afforded the opportunity of being apprised of the change nor were they contacted in voicing their opinion on the matter. The Senate Committee blatantly found this measure without any consideration.

Respectfully,

Rep. Gene Davidson

At the request of Mr. Withers, the following was spread upon the Journal:

Teddy,

Please protest the Knox County Senate reapportionment plan. The plan splits the Black community 3 different ways. Senator Koella's district is gerrymandered to include Blount and Sevier Counties, 20 miles of isolated highway and then 15,000 Blacks in inner city Knoxville.

This is wrong and I feel these remarks should be spread upon the journal for the purpose of a possible Tennessee Voter's Council lawsuit.

Knoxville is now split 2 ways.

The current Knox County Senator's and Senator Koella have voted against funding for Sickie Cell research and other needed programs. If the Black community was unified in one district they would have a much stronger voice. A better plan is available.

Mr. McKinney moved that the rules be suspended for consideration of the Conference Committee Report on House Bill No. 1739, which motion prevailed.

MAJORITY

CONFERENCE COMMITTEE REPORT

ON

HOUSE BILL NO. 1739

The Senate and House Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 1739 (Senate Bill No. 1926) have met and recommend that the following Senate amendment be adopted: 1; and recommend that the following Senate amendments be deleted: 2, 5, 6, 7, 10, 11 and 13.

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The Committee further recommends the following amendments to House Bill No. 1739 (Senate Bill No. 1926) be adopted:

AMEND by deleting from Section 39 the fifth paragraph in its entirety and substituting the following:

All salaries and wages of other educational institutions shall be approved by the Commissioner of Personnel. No salary of any officer, agent or employee shall be supplemented in any way or in any manner whatsoever. Except as otherwise provided by law and with the appropriation made in this act, state employees' compensation and benefits shall be adjusted in accordance with the following requirements and/or limitations:

(a) Effective July 1, 1982 the salary step in the state's basic compensation plan, the executive compensation plan, and the physicians' and dentists' compensation plan shall be increased by three percent (3%).

(b) On July 1, 1982 each state employee who has at least one year's service and who has performed satisfactory work during the preceding year shall receive a one-step pay raise. Employees with less than one year's service shall receive a one-step pay raise effective in the month following the completion of one year's service. A one-step raise for employees in the executive branch who are under the jurisdiction of the Department of Personnel shall be the increment from one rate to the next in the appropriate classification-compensation plan. An employee will be assumed to be performing satisfactory work, under the terms of this section, and shall be considered for a one-step salary increase when eligible, provided that if such increase is denied, a statement from the department or agency head detailing the circumstances surrounding the denial be sent to the affected employee. The employee shall then have the opportunity to respond either orally or in writing to the department or agency head. If the denial is sustained by the department or agency head, such letter must be filed with the Commissioner of Personnel.

The Department of Personnel and the Department of Finance and Administration shall report monthly to the Senate and House Finance, Ways and Means Committees and the Fiscal Review Committee on bona fide employee promotions, showing clearly by department the names and the increases in pay as a result of such promotions.

Such report shall also include employee transfers, dismissals, terminations, demotions, separations, and position abolishments showing clearly by department the names and titles of the employees affected, and such employees' position subsequent to such actions. Such report shall be furnished to the Speaker of the House and the Speaker of the Senate and to any other member of the General Assembly upon such member's request. Such report shall be furnished monthly.

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AND FURTHER AMEND by adding the following new items to the appropriate section to be appropriately numbered and to read as follows:

Item _____. The Commissioners of Finance and Administration and Personnel are directed to develop a plan for the funding of the Well Pay program authorized by Public Chapter 446 of 1981. The plan required by this section shall fund the Well Pay program from realized savings, in each fiscal year, which accrue as a result of the program. If such a plan cannot be practically implemented, the Commissioner of Finance and Administration shall make appropriate budgetary adjustments to fund the program for the 1982-83 fiscal year and together with the Commissioner of Personnel shall recommend such legislative changes to the Well Pay program as are required to produce sufficient savings to fund the program.

Item _____. From the appropriations made to the State Board of Regents and the University of Tennessee, there is hereby appropriated a sum sufficient to fund payments required for the Well Pay Program. This appropriation is subject to the approval of the State Board of Regents and the Board of Trustees of the University of Tennessee.

AND FURTHER AMEND by adding a new item to be appropriately numbered and added to the appropriate section to read as follows:

Item ____ (a). In addition to all other sums appropriated in this act there is appropriated the sum of \$3,657,100 to the Tennessee Foundation Program for the purpose of providing the training and experience increment for all teachers compensated under the Tennessee Foundation Program.

(b). The State Board of Education is directed to adjust the 1982-83 minimum state salary schedule as established by the State Board of Education by seven percent (7%) in each step above the 1981-82 minimum state salary schedule.

AND FURTHER AMEND by deleting from Title III-9 of Section 1 the following words and figures:

7. Educators' Liability Insurance..... \$ 125,000.00

and by changing the resultant totals accordingly.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the funds available to the State Building Commission, there is allocated the sum of seventy-five thousand dollars (\$75,000) for the purpose of pre-planning campus expansion at Motlow State Community College.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. It is the legislative intent that the unexpended balance of the appropriation authorized in Section 12, Item 26 of Chapter 503, Public Acts of 1981 for the Tennessee Comprehensive Education Study shall not revert to the general fund on June 30, 1982, but is hereby reappropriated in the fiscal year beginning July 1, 1982.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. The balance of the funds appropriated in item 26 of Section II of Chapter 435 of the Public Acts of 1979 shall not revert on June 30, 1982, but are hereby reappropriated and shall remain available for the purpose for which originally appropriated. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. No funds appropriated or authorized by the provisions of this act shall be expended to erect any sign, plaque or other marker until all signs, plaques, or other markers authorized by the provisions of Chapter 503 of the Public Acts of 1981 have been erected.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. The unexpended funds appropriated for Legislative Computer Services by the provisions of items 16 and 17 of Section 12 of Chapter 503 of the Public Acts of 1981 shall not revert to the General Fund on June 30, 1982 but shall remain available for the purposes appropriated for expenditure in accordance with such provisions of such act.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. There is hereby appropriated the sum of one hundred sixty-six thousand six hundred and sixty-seven dollars (\$166,667) to the state funding board, in addition to all other appropriations made to that board. This sum is for the purpose of paying the estimated first year's payment of interest and principal on the general obligation bonds authorized by Senate Bill No. 1578/House Bill No. 1444, and shall take effect only if such bills are enacted into law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

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Item _____. In addition to the other appropriations made in this act, there is hereby appropriated to the Division of Regional Libraries, an amount of \$750,000 to be used to give statewide assistance to all 95 counties in providing special library services to elderly and disadvantaged citizens.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of fifty thousand dollars (\$50,000.00) to Tennessee State University for the sole purpose of funding the Institute for African Affairs.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty thousand dollars (\$20,000) to Roane State Community College for the sole purpose of funding the dietetic technology program. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to other appropriations made in this act, there is hereby appropriated to the Department of State \$16,300 for salaries and benefits to fund an additional position. This appropriation is contingent upon the passage of Senate Bill No. 1528/House Bill No. 1463, or Senate Bill No. 1641/House Bill No. 1961, or Senate Bill No. 1854/House Bill No. 1609, or Senate Bill No. 1642.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any funds that may be appropriated elsewhere within this act, there is hereby appropriated the sum of one hundred fifty thousand dollars (\$150,000.00) to the Tennessee Student Assistance Corporation to be used by the corporation for the sole purpose of mitigating the effects of federal funding cutbacks upon needy college students within the state during fiscal year 1982-83. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

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Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Tennessee Higher Education Commission the sum of twenty-seven thousand five hundred dollars (\$27,500) for the purpose of continuing service of the Education Information Center.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other appropriation made in this act, there is hereby appropriated a sum of \$40,008.00 to the Tennessee Advisory Commission on Intergovernmental Relations. This appropriation shall be funded as follows:

1. An amount of \$20,004.00 shall, before distributing to the counties any of the revenues mentioned in 57-3-306, be deducted at the rate of \$1,667.00 per month, and
2. An amount of \$20,004.00 shall, before distributing to incorporated municipalities from the sales tax allocated to incorporated municipalities, be deducted at the rate of \$1,667.00 per month.

AND FURTHER AMEND by adding deleting Title II of Section 1 in its entirety and by substituting instead the following:

II JUDICIAL

1. Appellate and Trial Courts.....	\$11,887,300.00
2. Supreme Court Buildings.....	415,000.00
3. Indigent Defendants Counsel.....	2,390,700.00
4. Verbatim Transcripts.....	1,209,000.00
5. State Law Libraries.....	232,200.00
6. Judicial Council and Conference....	89,800.00
7. Judicial Committees.....	30,500.00
8. Court System Administration.....	594,000.00
9. Appellate Court Clerks.....	325,900.00
10. State Board of Law Examiners.....	161,100.00

Total Title II . . . \$17,335,500.00

AND FURTHER AMEND by deleting from Item 4. in Title III-1 (Constitutional and Quasi-Judicial Offices) in Section 1 the language:

4.4 Division of County Audit..... 1,886,300.00

and substituting the language:

4.4 Division of County Audit..... 1,941,900.00

AND FURTHER AMEND by deleting from Item 4. in Title III-1

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(Constitutional and Quasi-Judicial Offices) in Section 1 the language:

Total Office of the Comptroller
of the Treasury..... \$17,327,100.00

and substituting the language:

Total Office of the Comptroller
of the Treasury..... \$17,382,700.00

AND FURTHER AMEND by deleting from Item 10 of Section 11 the words and numerals "one thousand seventy (\$1,070.00) dollars" and substituting in lieu the words and numerals "one thousand one hundred forty-five (\$1,145.00) dollars".

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. No state employee shall be temporarily reassigned from his permanent duty station to work at or in conjunction with the World's Fair in Knoxville, Tennessee, and be housed in state facilities and thereby preclude him from receiving reimbursement for travel expenses in accordance with the Comprehensive Travel regulations promulgated by the Department of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. Notwithstanding any provision of the law or this act to the contrary, no funds appropriated by the provisions of this act shall be obligated or expended to develop, implement or purchase in any form liability insurance for educators.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. The sum of one hundred forty-six thousand six hundred dollars (\$146,600) appropriated to the Department of General Services in Section 1, Title III-2, item 6.5 for upgrading management information systems which was originally appropriated in fiscal year 1981-1982 as an improvement item shall be considered to be a one-time expenditure in fiscal year 1982-1983 for such purpose and shall not become part of the continuation budget of such department.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the funds appropriated to the Tennessee Energy Authority, there is appropriated the sum of twenty-two thousand one hundred fifty-one dollars (\$22,151) for the purpose

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of paying Tennessee's dues to the Southern States Energy Board pursuant to the provisions of the Southern States Nuclear Compact, Tennessee Code Annotated, Title 53, Chapter 35.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the Tennessee Wildlife Resources Agency reserve, there is appropriated an amount of \$20,000 to continue the Educational and Information Extension Service Program for children and/or young adults.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the funds available to the state building commission, there is allocated the sum of one hundred fifty thousand dollars (\$150,000) for preplanning Highway 61 in Shelby County from the southern boundary of Interstate-40 to the Mississippi-Tennessee state line. The appropriation made in this item is subject to the approval of the Commissioner of Transportation.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the funds appropriated elsewhere in this act to the Department of Transportation, there shall be allocated the sum of fifty thousand dollars (\$50,000.00) for the sole purpose of grading and paving the industrial road within the new industrial park in the Town of Springfield. The appropriation made in this item is subject to the approval of the Commissioner of Transportation.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. The University of Tennessee at Chattanooga and/or the Board of Trustees of the University of Tennessee are authorized to enter into an agreement or agreements with the Department of Transportation to pave certain parking lots on the campus of the University of Tennessee at Chattanooga.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. Any personal services, professional services or consultant services contracts concerning management services of all types, management studies, planning services, public relations, evaluations, systems designs, data processing, auditing or accounting services entered into by an executive department or agency of state government shall be executed by the head of such department or agency and shall be subject to the

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approval by the Commissioner of Finance and Administration and the Comptroller of the Treasury. No funds appropriated under this act to a department or agency shall be used for such contracts unless such approval is received or as otherwise authorized by the approving officials. Any such contract entered into by agencies of the legislative or judicial branches shall be subject to the approval of the Comptroller of the Treasury.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. No funds appropriated by this act shall be obligated and/or expended for any newsletter, periodical, or other material which is to be distributed to all, or substantially all, state employees (excluding higher education) until the agency head proposing to make such distribution contacts the two Speakers and makes available equal space for legislative information in such newsletter, periodical, or other material. This item shall not apply to policy and/or procedural directives.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of seven thousand five hundred dollars (\$7,500.00) to each of the following agencies: Elk River Development Agency, Upper Duck River Development Agency, Sequatchie Development Agency, and Beech River Development Authority. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred fifty thousand dollars (\$150,000) for the sole purpose of providing loans to counties pursuant to voting machine loan agreements in accordance with the provisions of Tennessee Code Annotated, Title 2, Chapter 9, Part 1.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated to the Memphis and Shelby County Public Library and Information Center the sum of eighteen thousand eight hundred nine dollars (\$18,809) for the purpose of establishing and maintaining a collection of state government publications. The appropriation made in this item is

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subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. There is hereby appropriated the sum of forty thousand dollars (\$40,000) to the City of Luttrell for the purpose of enabling the city to restore and refurbish a portion of a presently owned city building which is to be used to provide a permanent facility for housing the Clinch-Powell Regional Library. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one hundred thousand dollars (\$100,000) to the Department of Conservation for the sole purpose of making general improvements at T. O. Fuller State Park. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to other appropriations made in this act, there is hereby appropriated to the Department of State \$25,000 to be used to implement the provisions of the Uniform Limited Partnership Act (Senate Bill No. 716--House Bill No. 819). This appropriation is to be allocated \$13,000 to salaries and benefits to fund an additional position, and \$12,000 for other expenditures. This appropriation is contingent upon the passage of Senate Bill No. 716--House Bill No. 819.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to other appropriations made in this act, there is hereby appropriated to the Department of State an amount of \$41,600 to be used to implement the provisions of the Model Trademark Law (House Bill No. 1874--Senate Bill No. 1942). This appropriation is to be allocated \$29,200 for salaries and benefits to fund two additional positions, and \$12,400 to other expenditures. This appropriation is contingent upon the passage of Senate Bill No. 1942--House Bill No. 1874.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

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Item _____. In addition to any other appropriation made by the provisions of this act, there is hereby appropriated fifteen thousand dollars (\$15,000) to the Department of Human Service for the sole purpose of funding the Emergency Family Shelter programs in the Middle Tennessee region.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any funds appropriated by the provisions of this act, there is appropriated the sum of one hundred ninety-seven thousand nine hundred seventy-four dollars (\$197,974) to the Tennessee Energy Authority to employ three (3) engineers and clerical support staff for the purpose of conducting and expanding building energy management and conservation. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any funds that may be appropriated elsewhere within this act, there is hereby appropriated the sum of one hundred fifty thousand dollars (\$150,000.00) to the Department of Economic and Community Development, Office of Business Enterprise, for the sole purpose of developing and/or otherwise providing sources of capital for minority enterprise small business investment companies (i.e., mesbics) created in this state pursuant to authority contained in 15 United States Code, Section 681. The appropriation made in this item is subject to the approval of the State Funding Board and the Commissioner of Finance and Administration.

AND FURTHER AMEND by deleting from Title I-3 of Section 1 the following words and figures:

3. House of Representatives..... \$ 3,530,000.00

and be substituting in lieu thereof the following words and figures:

3. House of Representatives..... \$ 3,600,000.00

AND FURTHER AMEND by adding a new item to the appropriate section to read:

Item _____. The plan for expenditures from the appropriation in Section 1, Title III-9, item 6, Jobs for High School Graduates, is subject to approval by the Commissioner of Education and the Superintendent of the Memphis City School System.

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AND FURTHER AMEND by deleting in Section 20 the words and figures "Section 12-2-112(6)" and by substituting instead the words and figures "Section 12-2-112(7)".

AND FURTHER AMEND by deleting the words "Ninety-Second General Assembly" in item 2. of Section 26 and by substituting instead the words "Ninety-Third General Assembly".

AND FURTHER AMEND by deleting the words "convening of the Ninety-Second General Assembly" in the next to last paragraph of Section 26 and by substituting instead the words "convening of the Ninety-Third General Assembly".

AND FURTHER AMEND by deleting in the third paragraph of Section 36 the words and figures "Said sum of \$209,000.00" and substituting instead the words and figures "Said sum of \$337,420.00".

AND FURTHER AMEND by deleting in item 4. of Section 43 the words "Prevention Health block grant" and by substituting instead the words "Preventive Health block grant".

AND FURTHER AMEND by adding the following language as a new, appropriately-numbered section:

SECTION ____ . BE IT FURTHER ENACTED, That on or before January 31 of each calendar year, the Center for Business and Economic Research of the University of Tennessee shall cause to be published a comprehensive report on the state's economy. Said report shall be based on projections from the Tennessee Econometric Model and such other information as the Center may deem appropriate. The report shall contain projections for ten years (beginning with the calendar year preceding the year in which the report is due) of the annual economic activity (level and percent change over prior year) for each of the state's major economic sectors; shall include ten-year projections of selected economic indicators, as specified by the State Funding Board; and shall also include a narrative description of the short-term and long-term prospects for economic and business activity in the state based on these indicators. Quarterly projections shall also be published if available.

Said report shall be distributed to the Governor and the other members of the State Funding Board. The State Funding Board shall report to the General Assembly as provided in Section 9-6-202, Tennessee Code Annotated.

The costs of receiving reports required by this section shall be paid out of funds appropriated to the State and Local Planning Office under Title III-2 of Section 1 of this act.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

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Item _____. Notwithstanding any provision of law or this act to the contrary, no portion of the \$200,000 improvement for enhancing the state's industrial development advertising program appropriated in Section 1, Title 3-8, shall be paid to any advertising agency which has represented any candidate for Governor.

AND FURTHER AMEND by deleting from Title III-21 of Section 1 the following words and figures:

1.10 Family Courts..... \$ 1,000,000.00

AND FURTHER AMEND by adding the following new item at the end of Section 12:

There is hereby appropriated three hundred eighty thousand dollars (\$380,000.00) to the Tennessee Children's Services Commission to be distributed equally to each county for the purpose of improving court services for the court exercising juvenile jurisdiction. Each county accepting such distribution shall employ a youth services officer to be appointed and supervised by the court exercising juvenile jurisdiction.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. No impoundment or set aside of funds shall be made from funds appropriated to the Tennessee Foundation Program, Grades K-12, without the prior concurrence of the Senate and House Finance, Ways and Means Committees.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the funds appropriated to the Obion-Forked Deer Basin Authority, there is hereby allocated an amount not to exceed fifty thousand dollars (\$50,000) for the purpose of conducting dragging, dredging, and snagging operations of those parts of the Hatchie River for which 404 permits have been obtained to permit snagging.

AND FURTHER AMEND by adding the following new items at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed sixty thousand dollars (\$60,000) to the House of Representatives for the purpose of salary improvements. Said appropriation is to be subject to the approval of the Speaker of the House of Representatives.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of four

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thousand dollars (\$4,000) to the Joint Legislative Service Committee for the expense of such committee.

AND FURTHER AMEND by adding a new item to the appropriate section to be appropriately numbered and to read as follows:

Item _____. There is hereby appropriated from the reserve for claims against the state an amount not to exceed \$2 million for the purpose of funding the appropriations set forth in this act.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. Notwithstanding any provision of law or this act to the contrary, institutions of higher education are authorized to generate two percent (2%) of the seven percent (7%) average salary increase from any funds available to such institutions.

AND FURTHER AMEND by adding an additional item to Section 12 to read as follows:

Item _____. In addition to any other appropriation made by the provisions of this act, there is hereby appropriated one hundred sixteen thousand dollars (\$116,000) to the Department of Public Health for the sole purpose of contracting with Meharry Medical College and the Memphis Regional Sickle Cell Council, Inc., for the study, research and treatment of drepanocytomia (sickle cell anemia). From such appropriation, ninety-one thousand dollars (\$91,000.00) shall be allocated for contracting with Meharry Medical College and twenty-five thousand dollars (\$25,000.00) shall be allocated for contracting with the Memphis Regional Sickle Cell Council, Inc.

AND FURTHER AMEND by deleting Item 17 of Section 12 in its entirety and by substituting instead the following:

Item 17. From the funds appropriated by the provisions of this act in Section 1, Title III-5, there is appropriated seventy-one thousand dollars (\$71,000) for the Tennessee-Tombigbee Waterway Development Authority.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. Notwithstanding any provision of law or this act to the contrary, special education funds shall be allocated on the same formula as they have in the past.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. Notwithstanding any provision of the law to the contrary, from the funds appropriated by the provisions of this

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act to the Department of Revenue, there is hereby allocated the sum of nine hundred seventy-six dollars (\$976) to be appropriated to the Board of Claims for the purpose of reimbursing Mr. Warren R. Perryman, P. O. Box 807, Newport, TN 37821 for the registration fee for license plate number PX-0617 which was purchased but never used. The appropriation made in this item is subject to the approval of the Board of Claims.

AND FURTHER AMEND by adding the following new item to read:

Item _____. In addition to any other appropriations for dental programs funded by the State of Tennessee, there is appropriated ninety-two thousand dollars (\$92,000.00) to the Department of Public Health for the continuation and enlargement of Meharry Medical College's graduate training program in general practice for dentists.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. From the funds appropriated to the Comptroller by the provisions of this act, there is hereby allocated an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for the purpose of meeting the State of Tennessee's participation in the cost of supporting the National Council on Governmental Accounting or a Governmental Accounting Standards Board in the establishment of governmental accounting standards and principles. This is subject to the approval of the Commissioner of Finance and Administration and the Comptroller.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of five thousand dollars (\$5,000) to the office of the executive secretary to the supreme court for the sole purpose of funding one annual educational seminar for the state court clerk's conference.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any funds appropriated by the provisions of this act, there is appropriated to the Department of Education the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) for the sole purpose of establishing a grant program to approved Skills Centers to provide adult vocational technical training programs to disadvantaged adults. Local Skills Center shall be those programs so designated by the Manpower Development Training Act of 1962. Such funds shall ~~be~~ allocated for the sole purpose of generating federal, state, local

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government or private funds to operate such programs. No entity shall be eligible to receive such funds unless such entity is advised by an advisory committee composed of representatives of business and industry to insure that such training programs are offered to meet the job training needs of the local client area. The funds appropriated pursuant to this item shall not revert at the end of the fiscal year but shall remain available for the purpose appropriated. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item to the appropriate section to read as follows:

Item _____. From the funds appropriated in Section 5 (5.2) Title III-16 of this act to "Medicaid Services", there is hereby earmarked sufficient funds to pay the following relative to drugs furnished to Medicaid patients:

1. a. Actual acquisition cost of drugs, except drugs described in 2. below, plus a professional fee of \$3.25 per prescription; or
- b. The usual and customary drug charge to the general public, whichever is less.
2. Drugs for which the Department of Public Health and/or the federal government have published maximum reimbursement prices to include the acquisition cost or the maximum reimbursement price, whichever is less, plus the professional fee of \$3.25 per prescription, or the usual and customary charge to the public, whichever is less.

AND FURTHER AMEND by deleting the first paragraph of item 2, Section 9 and substituting in lieu thereof the following:

The Commission in charge of the Supreme Court Building in Nashville, which was originally set up by Chapter 78, Public Acts of 1937, is authorized to employ an experienced EngineerSuperintendent to supervise the air conditioning and heating of the Supreme Court Building at Nashville and to employ the necessary assistants to keep and maintain the building. Payment for said services shall be paid out of the appropriations made by this act.

AND FURTHER AMEND by adding an additional item to the appropriate section to read as follows:

Item _____. In addition to any other funds appropriated by the provision of this act, there is hereby appropriated one hundred five thousand dollars (\$105,000) to the Tennessee Historical Commission for the sole purpose of providing

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historical publication assistance grants and operation and physical maintenance grants to historic sites.

AND FURTHER AMEND by adding an additional item at the end of Section 12 to read as follows:

Item _____. In addition to any other appropriations made by the provisions of this act, there is appropriated ninety-four thousand six hundred fifty seven dollars (\$94,657) to the Department of Correction for the sole purpose of increasing from \$150.00 per day to \$250.00 per day the maximum daily allowance for food and lodging for a criminal case jury. This appropriation is subject to Senate Bill No. 1823/House Bill No. 1927 becoming law.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated to the State Board of Regents in this act, there is hereby appropriated to the State Board of Regents the sum of twenty-eight thousand dollars (\$28,000) to be used for preplanning the renovations of the 2700 Heiman Street property now being transferred from the Department of Correction to the State Board of Regents for the use and benefit of Tennessee State University and for securing the aforementioned property from vandalism.

AND FURTHER AMEND by adding a new item to the appropriate Section to read:

Item _____. There is hereby appropriated the sum of \$250,000 to the Department of Safety for initial start-up costs of implementing a picture driver's license system. This appropriation is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding an additional item to Section ____ thereof, as follows:

Item _____. In addition to any other appropriation made in this act, there is hereby appropriated an amount not to exceed \$103,700 to the Department of Revenue, to be taken from the taxes collected pursuant to T.C.A. Sections 67-2801 et seq., for the purpose of administering Chapter 28 of Title 67 in regard to receipt of filings by corporations not for profit. This appropriation is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by appropriating a sum of five thousand eight hundred dollars (\$5,800.00) for the Tennessee Council of Juvenile Court Judges for the purpose of gathering and compiling adequate records relating to juvenile courts as required by Senate Bill No. 1467 - House Bill No. 1856.

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AND FURTHER AMEND by adding an additional item at the end of Section 12 to read as follows:

Item _____. In addition to any other appropriation made by the provisions of this act, there is appropriated the sum of eight thousand four hundred dollars (\$8,400.00) to the Tennessee Higher Education Commission for the sole purpose of providing two (2) additional Southern Regional Education Board spaces for the Southern College of Optometry for the 1982-1983 entering class.

AND FURTHER AMEND by addition of a new Section 48 with renumbering of subsequent sections:

SECTION 48. Notwithstanding any other law or regulation to the contrary, and subject to joint approval of both the Commissioner of Transportation and the Commissioner of Finance and Administration, the Department of Transportation is specifically permitted to include the removal or levelling of a hump of ground located on the northwest perimeter of the Tennessee Wesleyan College in Athens, McMinn County, adjacent to State Route 30 whose existence constitutes a visibility obstacle endangering the public safety of both vehicular and pedestrian traffic on State Route 30. Such work shall not be done without the approval of the Executive Committee of Tennessee Wesleyan College.

AND FURTHER AMEND by adding an additional item at the end of Section 12 to read as follows:

Item _____. In addition to any other appropriation made by the provisions of this act, there is appropriated a sum sufficient to the Department of Public Health for the sole purpose of implementing the provisions of Senate Bill No. 2153/House Bill No. 2067. This appropriation shall be funded by the fees generated if Senate Bill No. 2153/House Bill No. 2067 becomes law.

AND FURTHER AMEND by adding a new item to Section 12 to be appropriately numbered to read as follows:

Item _____. In addition to the appropriations made in Section 1 of this act for the Tennessee Foundation Program, there is hereby appropriated \$2,000,000, for the sole purpose of increasing the distribution of funds to local school systems for the Comprehensive Vocational Education Program on a weighted factor of .88 for the 1982-83 fiscal year.

AND FURTHER AMEND by adding a new item to the appropriate section to be numbered appropriately and to read as follows:

Item _____. From state funds made available to the Department of Transportation for fiscal years 1981-82 and 1982-83 there is hereby earmarked an amount of \$20,000,000 to be used exclusively

for an off system bridge replacement program. The Commissioner of the Department of Transportation shall have complete administrative authority of this program. The Commissioner of Transportation shall allocate this \$20,000,000 to the various counties and cities of the state under the following formula. Funds will be distributed based on need as determined by dividing the total linear feet of off system bridges in each county having a load limit of less than 10 tons, less than 51 feet in length with average daily traffic of less than 751 by the total linear feet of off system bridges statewide having a load limit of less than 10 tons, less than 51 feet in length with average daily traffic of less than 751. The bridges included in the above apportionment formula are those bridges owned by either county or city government.

The first order of priority shall be given to bridges recommended for closure in each county or city and progress upward in order of load limit unless sufficient written justification for deviation is provided to the Department.

No sums shall be obligated and/or expended in any county or city by the Commissioner for bridge replacements under this item unless the agency has agreed to match such proposed expenditures in an amount of at least 20% of the proposed expenditure. The required match may be provided by an in-kind contribution to the project. Any sums proposed to be expended under this item and not matched shall be made available to other counties and cities, and shall be reallocated under the previously stated formula.

Where local agencies have attempted to address their own bridge problems, they may be given credit for their efforts against their matching requirements for the regular Federal Bridge Replacement Program. To qualify, the county must document to the Department's satisfaction, that locally appropriated funds have been expended to raise the load limit of the bridge to at least 15 tons. The bridges eligible for this credit shall be those recommended for posting or closure by the Department of Transportation Off System Inspection Program after January 1, 1979.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. Subject to Senate Bill No. 2163/House Bill No. 2014 becoming law, there is hereby earmarked from the Senate Board of Equalization loan fund \$210,000 to carry out the provisions of Senate Bill No. 2163/House Bill No. 2014.

AND FURTHER AMEND by adding a new item to read:

Item _____. The Department of Education shall require as a condition of the receipt of state education funds under this act, that local school systems which can do so without the expenditure

of state or local school funds, or disruption of schedules, implement a program of school breakfasts for disadvantaged children in those schools which meet the "severe need" criteria or are presently serving 40% (forty percent) of the lunches in the school lunch program free or at a reduced price. Nothing in this item shall be construed to prevent any school system from using state or local funds to supplement such a program.

AND FURTHER AMEND by adding a new item to read:

Item _____. The Department of Education shall require as a condition of the receipt of state funds, that each local school system provide a nutritious meal for students.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. In addition to any other appropriation made in this act, from the amounts held in reserve for the use of the Fiscal Review Committee, there is hereby appropriated an amount not to exceed \$20,000 for the purchase of technical expertise relating to changes in federal funding and federal programs.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of twenty-five thousand dollars (\$25,000) to the Tennessee Council for the Hearing Impaired. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. The Board of Claims, notwithstanding the statute of limitations, or other provisions of general law, is hereby directed to reimburse Vinson F. Thompson, Obion, Tennessee the sum of two thousand three hundred two dollars (\$2,302) representing a judgment and the interest thereon, rendered against him in Federal Court actions arising out of his duties as Warden of the Tennessee State Prison.

AND FURTHER AMEND by adding a new item to Section 12, as follows:

Item _____. There is hereby appropriated the sum of twenty-five thousand dollars (\$25,000) to the Tennessee Department of Conservation, in addition to all other appropriations made to the department. This sum shall be available for, and shall be used for, the state share of matching any available federal funds for a study of water resource management, authorized by Senate Bill No. 1973/ House Bill No. 1849, and shall take effect only if such

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bills are enacted into law. The appropriation made in this item is subject to the approval of the Commissioner of Finance and Administration.

AND FURTHER AMEND by deleting from Title III-3 of Section 1 the following words and figures:

8. Agricultural Fairs..... \$ 153,600.00

and by substituting instead the following:

8. Agricultural Fairs..... \$ 169,000.00

and by adjusting all totals and subtotals accordingly.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the revolving funds of the state industries and institutional farms programs, or in the event that no such funds are available from the funds appropriated to the Department of Correction, there is hereby appropriated to the division of agri-industries the sum of \$339,100. Such sum is allocated and shall be expended as follows:

(1) A sum not to exceed \$145,000 for purchase of fertilizer.

(2) A sum not to exceed \$118,700 for purchase of lime to restore the lime level to Ph 6.5 on all farms.

(3) A sum not to exceed \$75,400 for the purchase of the chemicals necessary to control the Johnson grass problem on all farms.

There is created a special joint oversight committee which shall monitor the implementation of this item to insure that the funds appropriated by the provisions of this item are expended in accordance with the provisions of this item. Such committee shall be composed of three (3) members of the House of Representatives and three (3) members of the Senate, who are knowledgeable about agriculture, to be appointed by the respective speakers thereof. All members of the committee shall remain members of the committee until such funds are expended or obligated and shall be paid as members of the general assembly are paid for attending legislative meetings as provided in Tennessee Code Annotated, Section 3-1-106.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of one

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hundred fifty thousand dollars (\$150,000) to the General Assembly for continuation of the legislative on-line bill status information system. The allocation and expenditure of the appropriation made in this item is subject to the approval of the Joint Legislative Services Committee.

AND FURTHER AMEND by deleting the appropriation for Attorney General and Reporter in Section 1, Title 3, Item 1.1, and substituting instead, "Attorney General and Reporter\$2,703,800.00", and adjusting all subtotals and totals accordingly.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. From federal severance taxes, there is appropriated to the department of labor the sum of one hundred thirty-eight thousand dollars (\$138,000) for the sole purpose of funding the Mine Safety School.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other appropriation made in this act, there is hereby appropriated up to thirty-two thousand five hundred dollars (\$32,500) to the John A. Gupton College for the purpose of funding up to twenty-three (23) slots for students of mortuary science. This contract shall be administered by the Tennessee Higher Education Commission and is contingent upon the availability of funds which might result from the non-expenditure of funds appropriated for other contractual programs with private institutions. It is the legislative intent that the appropriation made in this item is one-time funding and that this appropriation shall not become a part of the continuation budget.

AND FURTHER AMEND by adding the following new item to the appropriate section to read as follows:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed thirty thousand dollars (\$30,000) to the State Senate for the purpose of salary improvements. Said appropriation is to be subject to the approval of the Speaker of the Senate.

AND FURTHER AMEND by deleting from Title I-4 of Section 1 the following words and figures:

4. State Senate..... \$ 1,970,800.00

and substituting instead the following:

4. State Senate..... \$ 1,998,300.00

AND FURTHER AMEND by adding a new Section to read:

SECTION _____. BE IT FURTHER ENACTED, That upon passage, the Commissioner of Finance and Administration is directed to cancel projects in the capital outlay fund in the amount of \$10,500,000 according to the following schedule:

1. State Building Commission	\$ 3,092,000
2. Department of Education	1,048,000
3. University of Tennessee	1,000,000
4. State Board of Regents	668,000
5. Department of Conservation	829,000
6. Department of Revenue	1,000,000
7. Department of Military	959,000
8. Department of Public Health	745,000
9. Department of Correction	619,000
10. Obion-Forked Deer Basin Authority	400,000
11. Department of Mental Health and Mental Retardation	140,000
	\$10,500,000

Further, there is hereby transferred to the general fund the sum of \$8,985,000 from the Capital Outlay Fund, and there is hereby reappropriated the sum of \$1,515,000 to fund the 1981-82 Capital Outlay Program. The reappropriated funds shall be in lieu of said amount being transferred to the Capital Outlay Fund under the provision of Chapter 503 of the Public Acts of 1981 in Section 11, item 55. This appropriation is subject to a determination by the Commissioner of Finance and Administration, the Comptroller of the Treasury and the Attorney General that the transfer and reappropriation is in compliance with the general statutes and sound financial practices.

AND FURTHER AMEND by adding a new item to the appropriate section to read:

Item _____. Prior to releasing to area agencies any final allocation of federal revenues, the Commission on Aging shall submit to the chairmen of the Senate and House Finance, Ways and Means Committees for acknowledgment a plan demonstrating the distribution of such revenues among the services provided in the prior year.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. The Commissioner of Finance and Administration is directed to reduce across the board, by the percentage necessary to balance this budget, all appropriations made in this act with the exception of appropriations made for the following purposes:

- (a) salary improvements, (b) social services, (c) food stamps, (d) minimum foundation program, grades K-12, (e) medicaid, and (f) AFDC.

AND FURTHER AMEND by adding the following new section immediately preceding Section 47 and by renumbering subsequent sections accordingly:

SECTION _____. To the extent state general fund revenues exceed general fund requirements for the fiscal year ending June 30, 1982, before considering the provisions of Sections 30 and 35 of this act, there is hereby appropriated the following amount for the following purpose:

All remaining revenue not to exceed a sum sufficient necessary to balance this 1982-83 budget is hereby appropriated for such purposes and the Commissioner of Finance and Administration is directed to allocate such revenue across the board to those entities whose funding would be reduced.

AND FURTHER AMEND by addition of a new Section 49 and renumbering of subsequent sections:

SECTION 49. There is appropriated a sum sufficient to refund the penalty and interest charged Lucas Chevrolet and Cadillac of Columbia, Tennessee, on its December 1981 sales tax payment. The appropriation made in this item is subject to the approval of the Commissioner of Revenue and the Attorney General and Reporter.

AND FURTHER AMEND by deleting from Section 1, Title III-21, item 1.12 which reads:

1.12 Group Insurance..... 7,000,000.00

and substituting in lieu thereof:

1.12 Group Insurance..... 4,000,000.00

AND FURTHER AMEND by adding a new Section to read:

SECTION _____. BE IT FURTHER ENACTED, That in addition to the appropriations contained in Section 1, Title III-10, of this Act, there is appropriated the sum of \$3,000,000.00 for the purpose of increasing the employer's contribution to the Group Insurance Plan. The appropriation shall be allocated according to the following schedule:

Austin Peay State University	\$ 77,100
East Tennessee State University	189,300
Memphis State University	346,100
Middle Tennessee State University	227,700

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Tennessee State University	161,000
Tennessee Tech State University	167,200
Chattanooga State Community College	36,400
Cleveland State Community College	31,200
Columbia State Community College	20,300
Dyersburg State Community College	13,200
Jackson State Community College	28,600
Motlow State Community College	20,000
Roane State Community College	29,700
Shelby State Community College	54,200
Volunteer State Community College	25,600
Walters State Community College	33,800
UT Chattanooga	124,200
UT Knoxville	535,500
UT Martin	100,500
Nashville State Technical Institute	26,600
Knoxville State Technical Institute	14,300
Memphis State Technical Institute	47,900
Tri-Cities State Technical Institute	17,900
ETSU College of Medicine	41,000
ETSU Family Medicine	6,900
UT Family Medicine	15,300
UT College of Vet. Medicine	28,800
UT Center for the Health Sciences	250,900
Chattanooga Area Voc. Ed. School	7,700
UT Agricultural Experiment Station	90,700
UT Space Institute	13,800
UT Agricultural Extension Service	118,800
UT County Technical Advisory Service	5,400
UT Municipal Tech. Advisory Service	7,500
UT Institute for Public Service	9,500
UT Continuing Education	8,300
UT Central Administration	59,400
SBR Administration	7,700
TOTAL	\$3,000,000

AND FURTHER AMEND by adding a new item to the appropriate section to read:

Item _____. The provisions of 49-50-106, Tennessee Code Annotated, to the contrary notwithstanding, there is hereby appropriated to the Tennessee Student Assistance Corporation, in addition to any other funds appropriated by the provisions of this act, all present cash balances and future revenues of the Tennessee Medical Loan Scholarship Program. The appropriations made in this item shall be for creation of an insurance reserve fund to be used to guarantee loans made to students and parents under provisions of the Auxiliary Loans to Assist Students Program (PLUS Program) authorized by Section 428 (B), Part B,

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Title IV, Higher Education Act of 1965, as amended. Provided, however, the Tennessee Student Assistance Corporation is authorized to allocate from this appropriation such sums as it deems necessary for the purpose of providing for program start-up costs and for the first years operating and staffing expenditures. Further provided, it is the legislative intent that operating and staffing expenditures in future fiscal years be paid from investment earnings of the insurance reserve fund, from guaranty fees assessed borrowers, or from other revenues accruing to the PLUS program.

The appropriation made in this item is subject to passage of Senate Bill No. 1992 - House Bill No. 1903.

AND FURTHER AMEND by adding a new section to read:

SECTION ____ BE IT FURTHER ENACTED, That subject to approval by the Commissioner of Finance and Administration and the State Treasurer, there is hereby allocated from the funds appropriated for Retirement Accumulation Fund and Social Security Contributions in Section 1, Title III-9 of this Act, such amounts as are required to provide for retirement and social security contributions for the staff of the state technical institutes. The Commissioner of Finance and Administration is authorized to transfer the required sums to establish separate appropriation items for benefit of the technical institutes.

AND FURTHER AMEND by deleting from Section 12, item 13, the following:

Title III-2-3.10

and substituting in lieu thereof the following:

Title III-2-3.12

AND FURTHER AMEND by deleting from Section 1, Title III-21, Miscellaneous Appropriations, the words and figures:

1.11	State Employees Liability Insurance Study.....	25,000.00
1.13	Joe L. Evins Crafts Center.....	367,000.00

and substitute in lieu thereof the words and figures:

1.11	State Employees Liability Insurance.....	50,000.00
1.13	Joe L. Evins Crafts Center.....	342,000.00

AND FURTHER AMEND by deleting from Section 1, Title III-5, Department of Conservation, item 1, which reads:

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1. Division of Administration..... \$ 2,164,500.00

and substitute in lieu thereof:

1. Division of Administration..... \$ 2,191,500.00

and by changing the resultant total accordingly.

AND FURTHER AMEND by deleting from Section 43 the following:

7. Small Cities Community Development block grant in the amount of \$26,588,600.00 to the Department of Economic and Community Development.

and substitute in lieu thereof the following:

7. Small Cities Community Development block grant in the amount of \$60,110,000.00 to the Department of Economic and Community Development. Said sum being the estimated allocation of funds for the federal fiscal years 1981-82 and 1982-83.

AND FURTHER AMEND by adding a new item to the appropriate section to read:

Item _____. That there is hereby appropriated a sum sufficient for the repurchase of approximately 3.23 acres at Cockrill Bend which was conveyed to Mr. John Henderson, Sr. and associates on January 14, 1980. The repurchase of the property is subject to approval by the State Building Commission. The state shall not pay an amount in excess of the amount which the state received when said property was sold.

AND FURTHER AMEND by adding a new item to the appropriate section to read:

Item _____. There is hereby appropriated a sum sufficient to the Department of Revenue from the proceeds of the \$1.00 fee authorized under the provision of Section 55-4-103 (f), TCA. Said appropriation shall provide for a new general issuance of motor vehicle registration plates. This appropriation is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by adding the following new items at the end of Section 11:

Item _____. From the funds appropriated for capital outlay purposes in Section 1, Title III-24 of this act, it is the legislative intent to delete the following projects presented in the state of Tennessee's 1982-83 Budget Document and that the appropriate line items be adjusted accordingly: (a) Correction Master Plan-New Prison Planning-\$400,000; and (b) Public Health Central Laboratory-\$500,000. It is the further legislative

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intent to reduce the University of Tennessee System UTK Library Expansion Plan to \$400,000 and such funds shall only be expended for preplanning such expansion. Funds shall only be expended for construction if such project is THEC's number one priority for the University of Tennessee System.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$100,000 for the sole purpose of preplanning the Fogelman building at Memphis State University. Funds shall only be expended for construction if such building is THEC's number one priority for Memphis State University.

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum not to exceed \$250,000 for the sole purpose of preplanning a library at Tennessee Technological University. Funds shall only be expended for construction if such project is THEC's number one priority for Tennessee Technological University.

Item _____. It is the legislative intent that the funds appropriated in Section 1, Title III-26, item 4 for amortization of authorized and unissued bonds be reduced by the sum of \$2,925,600 and it is the further legislative intent to delete the following projects presented in the State of Tennessee's 1982-83 Budget Document: (a) Mental Health/Mental Retardation Western-Polk Building Renovation; (b) State Board of Regents MSU-Fogelman Business College Addition; (c) University of Tennessee System UTK-Coal-Fired Boiler and Streamline; and (d) Public Health-Central Laboratory.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. In addition to the appropriation to the Department of Tourist Development, there is added an amount not to exceed one hundred thirty-five thousand dollars (\$135,000) for the sole purpose of permitting the state of Tennessee to match local funds to nonprofit tourist promotional organizations in the nine (9) planning regions in Tennessee as authorized by Tennessee Code Annotated, Section 11-25-105; each such organization shall meet the criteria for funding as established by the Commission of Tourist Development. Said fund, one dollar of state funds per dollar of local funds to a maximum of fifteen thousand dollars (\$15,000) to each regional organization, shall be contributed only upon the recommendation of the Commissioner of Tourist Development.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. From the funds appropriated to the Department of Mental Health and Mental Retardation by the provisions of this act, there is allocated the sum of \$20,000 for the sole purpose of contracting with the Lincoln County Adult Activities Center, Inc. to provide services for adult retarded citizens.

AND FURTHER AMEND by adding the following new item at the end of Section 11:

Item _____. Notwithstanding any other provisions of this act or law to the contrary the Department of Public Health shall develop and implement a plan for the use of increased pre-natal funds which primarily benefits low-income expectant mothers. Such plan shall include maximum utilization of medicaid reimbursement, special reimbursement categories for services to increase provider participation, eligibility for very low-income two parent households, early coverage for first time expectant mothers, and such other elements as the Department deems necessary to fulfill the purpose set out above. Provided, however, that all funds originally appropriated for perinatal care at Memphis in accordance with departmental plans shall only be expended for such purpose.

AND FURTHER AMEND by adding the following new item to the appropriate section to read as follows:

Item _____. There is hereby appropriated the sum of thirty thousand dollars (\$30,000.00) to the Commission for Human Development which sum shall be in addition to all other appropriations made to the Commission for Human Development and which sum shall be used to continue the Technical Assistance Section. The appropriation made in this item is subject to the approval of the Commission of Finance and Administration.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated the sum of \$412,228 to increase the salary and benefits of certain persons compensated from funds appropriated in Section 1, Title III-1, item 2 (District Attorneys General), to be allocated as follows:

(a) \$315,828---7% salary increase for district attorneys general and full-time assistant district attorneys general no longer eligible for step increases pursuant to the provisions of Tennessee Code Annotated, Section 8-7-201;

(b) \$59,800---7% salary increase for criminal investigators and adjustment of salary scale of such investigators based on years of service;

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(c) \$27,800---2% salary funds necessary to provide 7% increase for general employees; and

(d) \$8,800---prior service credit for certain district attorneys general.

AND FURTHER AMEND by inserting the following additional language at the end of Sections 4 and 43 of this act:

Provided, however, that all expenditures of any community development block grant funds in addition to those appropriated and enumerated in Section 43 of this act shall be subject to the following limitations and restrictions:

(1) If the General Assembly is in session such funds shall be appropriated by the General Assembly.

(2) If the General Assembly is not in session the Governor may provide for the expenditure of such funds in accordance with the following procedure:

(a) If an emergency exists, the governor may submit a plan for the expenditure of such funds to the State Funding Board and if such board approves such plan such funds may be expended in accordance therewith, or

(b) The Governor may call a special session of the General Assembly and submit a plan for the expenditure of such funds.

AND FURTHER AMEND by adding the following language at the end of Section 43:

The Housing and Community Development Act of 1981 made it possible for states to assume administration of the Community Development Block Grant (CDBG) Program previously administered by the U.S. Department of Housing and Urban Development (HUD). Tennessee's allocation in fiscal year 1982 is \$30,105,000. It is expected that Tennessee's allocation in fiscal year 1983 will also be \$30,105,000.

The Senate and House Finance, Ways and Means Committees met jointly on Friday, December 18, 1981 and passed the following motion concerning the administration of the Block Grant Program.

The Department of Economic and Community Development shall administer the Small Cities Block Grant Program subject to the federal appropriation being received by the state and appropriated by the General Assembly. In developing the Block Grant Plan, the Department shall consider the recommendations of the elected local officials of the development districts and there shall not be a requirement for local matching funds.

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The CDBG legislation permits up to 2 percent of the state's allocation (\$600,000) to be used for administration. It is anticipated that only approximately \$200,000 will be so used, however. The Assistant Commissioner for Community Development will be responsible for managing the CDBG program.

Eligible applicants will be all city and county governments in Tennessee except those cities of over 50,000 population and principal cities of Standard Metropolitan Statistical Areas (SMSAs). Cities excluded from the state-administered CDBG program include, Memphis, Nashville (Davidson County), Chattanooga, Knoxville, Clarksville, Bristol, Johnson City and Kingsport. These cities will continue to receive their CDBG funds directly from HUD.

The state administered CDBG program has been developed within the parameters of the CDBG legislation, applicable federal regulations, and consultation with citizens and elected officials. The program goals are three-fold: 1) target on areas of economic distress, 2) stimulate the growth of jobs and income in these areas, 3) maximize the number of grant beneficiaries.

Allocation of funds will be based on the following principals. Previous funding commitments made by HUD must be maintained (\$10.2 million in 1982). Ten percent (10%) of the remaining funds will be set aside for immediate job development opportunities. The balance of funds will be allocated, based on annual competitive applications, in the following categories: economic development sixty percent (60%), community livability twenty-five percent (25%), housing fifteen percent (15%). A five percent (5%) variation in each category will be permitted to facilitate proper program management and allow administrative flexibility.

Based on an allocation of \$30,105,000 the following target funding levels would be established:

Multi-year Commitments	\$10.2 million
Industrial Location	2.0 million
Economic Development	10.7 million
Community Livability	4.5 million
Housing	2.7 million

Selection criteria for competitive applications will be uniform within categories, objective and quantitative, and will be based on project need, project feasibility, community need, and project impact. All criteria will be weighted equally. Project descriptions will be supplemented, as appropriate, by site visits and by informed opinions of state agencies knowledgeable about particular projects.

Local officials will be permitted to establish regional priorities through their development districts and to submit

these priorities for state consideration. These priorities will be considered as another source of informed opinion and will be given serious consideration as funding decisions are made. They will not, however, be binding on the state.

The CDBG program has been designed with the assistance of a local government advisory committee composed of nine (9) mayors and county executives/judges from across the state. The Advisory Committee has concurred unanimously with the program as designed.

AND FURTHER AMEND by adding at the end of the first paragraph of Section 23, the following:

For comparative purposes, said revised summaries shall include the Budget Document recommendations for 1982-83. Further, the revised summaries shall include a comparison of the recommended capital outlay program and the program enacted by the legislature. Further, the summaries shall include a comparison of estimated and actual tax revenue collections for 1981-82 and the 1982-83 tax revenue estimates presented in the Budget Document and the estimates of tax revenue upon which final passage of this act is based.

AND FURTHER AMEND by adding the following section to read:

Section _____. In addition to any other appropriation made in this act there is hereby appropriated four million nine hundred forty-seven thousand five hundred dollars (\$4,947,500.00) which funds shall be divided according to the following percentages:

To the Department of Revenue for the administration of the Excise Tax Law, Franchise Tax Law and the Retailers Sales Tax Law	9.72%
To the Department of Public Health for Crippled Children's Services	20.22%
To the Department of Public Health for Maternal and Child Health Services	20.22%
To the Department of Human Services for Foster Care Board and Care Contributions	15.32%
To the Department of Human Services for the AFDC Program	25.87%
To the University of Tennessee Agricultural Extension Services	5.05%

To THEC for the Joint Institute for Heavy Ion Research	2.02%
To the Department of Education for an alternative vocational education program	1.21%
To the Tennessee Children Services Commission for employing a social worker	.37%

AND FURTHER AMEND by adding the following new items to the appropriate section to read as follows:

Item _____. Any additional funds provided by this act to the Department of Revenue shall be used for the purpose of employing up to twenty-seven (27) additional auditors and support staff to aid in the administration of the Excise Tax Law, the Franchise Tax Law, and the Retailer's Sales Tax Act so as to prevent any substantial erosion of tax collections in these areas due to a lack of adequate personnel to properly assess and collect these taxes. Such appropriation shall be allocated as follows:

(1) Sales Tax Division - for the employment of twenty-one (21) persons with the necessary expenses attendant to their employment.

(2) Franchise, Excise and Income Tax Division - for the employment of six (6) persons with the necessary expenses attendant to their employment.

It is the legislative intent that the additional funds provided herein for additional audit positions will be used primarily in such manner as to increase audits of out-of-state taxpayers and, in furtherance of this intent, the Commissioner of Revenue shall develop and put into effect an audit program to increase out-of-state audit activity. In addition, the Commissioner of Revenue is hereby directed to report to the Finance, Ways and Means Committee of the House and the Senate an accounting of additional revenues generated and amount of time expended in audit activity in other states pursuant to this item. Such reports are to be made on a quarterly basis.

Item _____. Any additional funds provided by this act for the purpose of foster care shall be used by the Department of Human Services for the sole purpose of increasing the foster care rate from 50 percent of the cost of care to 60 percent. This allocation is essential for the state to ensure quality care for foster care children.

Item _____. Any additional funds provided by this act to the AFDC program shall be used by the Department of Human Services for the AFDC program.

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Item _____. Any additional funds provided by this act to the University of Tennessee Agricultural Extension Service shall be used by the University of Tennessee Agricultural Extension Service for the purpose of enabling the continuation of current levels of services.

Item _____. Any additional funds provided by this act to the Tennessee Higher Education Commission for the Joint Institute for Heavy Ion Research shall be used for the sole purpose of contracting with the Joint Institute for Heavy Ion Research at Oak Ridge, Tennessee, for research.

Item _____. Any additional funds provided by this act to the department of education shall be used for an alternative vocational program in which juveniles live at home and receive counseling, academic and vocational training as an alternative to institutionalization.

Item _____. Any additional funds provided by this act to the Tennessee Children's Service Commission shall be used for the sole purpose of funding a social worker position and related costs so that the Commission may adequately address the needs of children in the state.

AND FURTHER AMEND by deleting from Section 1 Title III-16 the words and figures:

3.3 Maternal and Child Health Services. \$ 5,823,800.00

and substituting instead:

3.3 Maternal and Child Health Services. \$ 4,823,800.00

Respectfully submitted,

FOR THE SENATE

Sen. Ben Atchley
Sen. Robert O. Burleson
Sen. Ernest Crouch
Sen. Riley C. Darnell
Sen. Leonard C. Dunavant
Sen. John N. Ford
Sen. Thomas J. Garland
Sen. Milton H. Hamilton, Jr.
Sen. Douglas Henry, Jr.
Sen. John T. Hicks
Sen. Carl R. Moore
Sen. John R. Rucker

FOR THE HOUSE

Rep. John T. Bragg
Rep. Harper Brewer, Jr.
Rep. Tommy Burnett
Rep. Steve Cobb
Rep. James M. Henry
Rep. Ted Ray Miller
Rep. Shelby A. Rhinehart
Rep. Loy L. Smith

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MINORITY CONFERENCE COMMITTEE REPORT ON HOUSE BILL 1739

A Minority of the House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill 1739 (Senate Bill 1926) have met and recommend the following House amendments be adopted: 2, 3, 8; and recommend that the following Senate amendments be deleted: 1, 2, 5, 6, 7, 10, 11, and 13.

The Minority further recommends that the following amendemnts to House Bill 1739 (Senate Bill 1926) be adopted:

AMEND by deleting the first paragraph in its entirety of Section 4 of the original bill and by substituting in lieu thereof the following:

SECTION 4. Be it further enacted, that:

(1) All departmental revenue of every kind, as hereinafter defined, collected by any department, institution, office, or agency, in the course of its operations, for its own use, are hereby appropriated to it to the extent such collections are reflected in the document entitled "The Budget - 1982-83" and to the extent such amounts contained in "The Budget - 1982-83" are increased by this act. This appropriation of departmental revenues is in addition to the specific appropriations made by this act.

(2) Federal aid funds granted to the state, except block grant funds for the use of or to be administered by any entity are appropriated to the extent such funds are reflected in the document entitled "The Budget - 1982-83" and to the extent such amounts contained in "The Budget - 1982-83" are increased by this act.

For the purposes of this section "Departmental Revenues" are defined as (1) earnings or charges for goods or services; (2) donations, contributions or participation by political subdivisions, foundations, corporations, firms or persons. State Revenues in proceeds of taxes, licenses, fees, fines, forfeiture or other imposts laid specifically by law.

AND FURTHER AMEND by inserting the following additional language at the end of Sections 4 and 43 of this act:

Provided, however, that all expenditures of appropriations made pursuant to this section or any additional block grants made available are subject to the following limitations and restrictions:

(1) the Commissioner of Finance and Administration shall develop a plan for the expenditure of the funds authorized by this section and shall present the plan

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developed pursuant to this section to the State Funding Board,

(2) the Funding Board may amend, modify or accept the plan presented, and

(3) no funds shall be obligated and /or expended pursuant to this section until the plan presented pursuant to this section is approved by the State Funding Board.

Respectfully submitted,

REPRESENTATIVE JAMES R. MCKINNEY

REPRESENTATIVE ED MURRAY

REPRESENTATIVE JIMMY NAIFEH

Mr. Henry (Roane) moved that the Majority Report of the Conference Committee on House Bill No. 1739 be adopted and made the action of the House.

Mr. McKinney moved that the Minority Report be substituted for the Majority Report and made the action of the House.

Mr. Henry (Roane) moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	75
Noes	19
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), McAfee, McNally, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Stafford, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--75.

Representatives voting no were: Buck, Clark (Davidson), Covington, Crain, Davidson, DeBerry, Ellis, Kernell, Lashlee, McKinney, Murphy (Davidson), Murphy (Shelby), Pickering, Pruitt, Robinson (Davidson), Robinson (Hamilton), Spence, Stallings and Withers--19.

Representatives present and not voting were: DePriest and Love--2.

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Thereupon, the Majority Conference Committee Report on House Bill No. 1739 was adopted and made the action of the House by the following vote:

Ayes	94
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

Representatives voting no were: Buck and McKinney--2.

A motion to reconsider was tabled.

EXPLANATION OF VOTE ON HOUSE BILL NO. 1739

I would like to explain my vote Thursday, April 8, 1982 on House Bill No. 1739.

Having voted "aye" on the motion to TABLE the motion to adopt the Minority Conference Report, I was called outside the House Chamber; therefore, the voting record does not reflect my "aye" vote on the Majority Conference Report, which was my intention.

REP. ELBERT T. GILL

Mr. King (Shelby) moved that the House reconsider action in passing House Bill No. 697.

Mr. McKinney moved that the motion be tabled, which motion prevailed by the following vote:

Ayes	48
Noes	44
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bivens, Bragg, Brewer, Burnett, Byrd, Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), DePriest, Dills, Disspayne, Ellis, Gill, Hillis, Jared, Johnson, Kelley, Kent, Lashlee,

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McKinney, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Hamilton), Shirley, Sir, Small, Starnes, Wallace, Wheeler, Whitson, Wix, Wolfe, Work and Mr. Speaker McWherter--48.

Representatives voting no were: Bell (Knox), Bewley, Buck, Carter, Chiles, Crain, Davis (pickett), DeBerry, Duer, Duncan, Ford, Frensey, Gaia, Harrill, Henry (Roane), Hudson, Hurley, Huskey, Jones, Kernell, King (Shelby), King (Washington), Love, McAfee, McNally, Montgomery, Murphy (Shelby), Owen, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Spence, Stafford, Stallings, Tanner, Ussery, Webb, Withers, Wood and Yelton--44.

Representative present and not voting was: Sterling--1.

HOUSE JOINT RESOLUTION ON SENATE AMENDMENT

House Joint Resolution No. 319--Relative to requesting President Reagan and Congress, relief from economic conditions.

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 319 by deleting section 3 of the resolving clause.

Mr. Sir moved that the House concur in Senate Amendment No. 1, which motion prevailed.

A motion to reconsider was tabled.

Messrs. Bewley and McNally asked to be recorded as voting "no" on Senate Amendment No. 1 to House Joint Resolution No. 319.

Messrs. Chiles and Cobb asked to be recorded as "present and not voting" on Senate Amendment No. 1 to House Joint Resolution No. 319.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1614--To provide warning devices on certain vehicles.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1614 by deleting Sections 1 and 2 and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-8-101 (2), is amended by redesignating the present subdivision (2) to be (2) (A) and adding a new subdivision as follows:

(B) AUTHORIZED EMERGENCY VEHICLE IN CERTAIN COUNTIES. Vehicles owned by regular or volunteer firemen in any county with a population of not less than thirty-two

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thousand seven hundred and fifty (32,750) nor more than thirty-two thousand eight hundred (32,800) persons according to the 1980 federal census or any subsequent federal census, when such vehicles are used in responding to a fire alarm or other emergency call.

SECTION 2. Tennessee Code Annotated, Section 55-9-201, is amended by adding a new subsection as follows:

(c) Members of regular or volunteer fire departments in counties with a population of not less than thirty-two thousand seven hundred and fifty (32,750) persons nor more than thirty-two thousand eight hundred (32,800) persons, according to the 1980 federal census or any subsequent federal census, may equip their privately owned vehicles to be used in responding to a fire alarm or other emergency, with warning devices approved by the local fire chief, upon written certification to the local sheriff or police chief that such person is a member of such department.

AND FURTHER AMEND in Section 3 by deleting the reference "Section 55-9-201 (b)" in the amendatory language and substituting instead the reference "Section 55-9-201 (c)".

Mr. Tanner moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	91
Noes	0
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--91.

Representatives present and not voting were: Duncan and Stafford--2.

A motion to reconsider was tabled.

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HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1915--To create a State Court Clerks' Conference.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1915 by deleting Section 5 in its entirety and substituting instead the following:

Each member and associate member attending said seminar shall be responsible for paying all of his/her travel expenses including mileage, meals and lodging and the State shall not reimburse such members for any portion of such expenses.

FURTHER AMEND by deleting the second and third sentences of Section 3 in their entirety.

Mr. Lashlee moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2158--To regulate use of certain tires on vehicles.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2158 by deleting from subsection (b) of the amendatory language of Section 1 the words "November first through March thirty-first" and substituting instead the words "October first through April fifteenth".

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Mr. Yelton moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	93
Noes	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--93.

Representatives voting no were: Bewley and Robertson--2.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the rules be suspended in order to consider Messages from the Senate, which motion prevailed.

Mr. Bewley moved that the House stand in recess until 12:00 noon, May 5, 1982, which motion failed by the following vote:

Ayes	24
Noes	64
Present and not voting	1

Representatives voting aye were: Baker, Bewley, Buck, Byrd, Chiles, Clark (Davidson), Cobb, Dills, Harrill, Hurley, Jones, Kelley, King (Shelby), Mckinney, Moore, Murphy (Shelby), Phillips, Robinson (Washington), Shirley, Small, Spence, Sterling, Whitson and Withers--24.

Representatives voting no were: Akard, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Burnett, Carter, Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Ford, Frensley, Gaia, Gill, Hillis, Hudson, Huskey, Johnson, Kent, Kernell, Lashlee, McAfee, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--64.

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Representative present and not voting was: Henry (Roane)--1.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1440--To make certain provisions, Group 2 members, retirement; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1440--To change qualification for Group 2 members, retirement.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1440 by deleting Section 1 in its entirety and substituting in lieu thereof the following:

Tennessee Code Annotated, Section 8-36-201 is amended by designating subsection b as (b) (1) and adding a new subsection as (b) (2) which shall read as follows:

(b) (2) Any member in Group 2 shall be eligible for service retirement upon attainment of age fifty-five (55) or completion of twenty-five (25) years of creditable service; provided that, within ninety (90) days of the effective date of this act, such member irrevocably elects to contribute five percent (5%) of his earnable compensation in addition to the contributions required by Tennessee Code Annotated, Section 8-37-202.

SENATE AMENDMENT NO. 3

Amend Senate Bill No. 1533 by adding the following to the end of the amendatory language of Section 1:

Provided, however, that no person convicted of a state felony shall be entitled to any retirement benefits under this subsection. If such conviction is overturned, all rights to such benefits shall be restored.

Mr. Rhinehart moved that the House concur in Senate Amendments Nos. 1 and 3, which motion prevailed by the following vote:

Ayes	82
Noes	7
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Brewer, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wood, Work, Yelton and Mr. Speaker McWherter --82.

Representatives voting no were: Bell (Knox), Chiles, Duncan, Hudson, Scruggs, Small and Wolfe--7.

Representatives present and not voting were: Buck and Crain--2.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1622--To set compensation, District Attorney General; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1622--To set compensation, District Attorneys General.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1622 by renumbering Section 2 to be Section 3 and by inserting a new Section 2 as follows:

SECTION 2. Section 8-7-201 of the Tennessee Code Annotated is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) Beginning on July 1, 1982, criminal investigators for the district attorneys general for the state of Tennessee shall be classified for pay purposes into the following categories:

(1) Investigators having less than five (5) years of service as such an investigator shall be classified

simply as criminal investigators and shall receive an annual salary of nineteen thousand one hundred and six dollars and seventy-six cents (\$19,106.76).

(2) Investigators having five (5) or more but less than ten (10) years of service as such a criminal investigator shall be classified as senior criminal investigators and shall receive an annual salary of twenty thousand and sixty-two dollars (\$20,062.00).

(3) Investigators having ten (10) or more years of service as such a criminal investigator shall be classified as chief criminal investigators and shall receive an annual salary of twenty-one thousand and seventeen dollars (\$21,017.00).

On July 1, 1982, and each subsequent July 1, the salary levels for criminal investigators, senior criminal investigators and chief criminal investigators shall be increased by such percentage amount as shall be fixed by the General Assembly in the general appropriations act. For the purpose of budget preparation, it shall be presumed that such percentage amount shall be the same as that received by other state employees.

SENATE AMENDMENT NO. 3

Amend House Bill No. 1622 by adding a new section immediately before the effective date section to read as follows:

Section __. Tennessee Code Annotated, Section 8-7-201 is amended by adding a new sentence at the end of subsection (b) (7) as follows:

"Any Assistant District Attorney General who has previous experience as a full-time salaried law enforcement officer shall receive full credit for such experience."

Mr. Rhinehart moved that the House concur in Senate Amendments Nos 2 and 3, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson

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(Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Whitson, Wix, Wolfe, Wood, Work and Yelton--87.

A motion to reconsider was tabled.

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL NO. 1730

The House and Senate Conference Committee appointed pursuant to motions to resolve differences between the two houses on Senate Bill No. 1759/House Bill No. 1730 have met and recommend that Senate amendment 2 and House amendments 1 and 2 be adopted; and that Senate amendment 3 be deleted.

Also attached and made a part of this Report is an April 5, 1982, opinion of the Attorney General relative to whether Senate amendment 3 is broader than the caption of Senate Bill No. 1759/House Bill No. 1730.

Respectfully submitted this the 7th day of April, 1982.

FOR THE SENATE

Sen. Kenneth N. Springer
Sen. Riley C. Darnell
Sen. Milton Hamilton

FOR THE HOUSE

Rep. Shelby Rhinehart
Rep. Walter M. Work
Rep. R. P. Lashlee
Rep. Robert Lewis King
Rep. James R. McKinney

Dear Senator Springer:

On March 16, 1982, you requested the opinion of this office on the following topic.

QUESTION

Whether or not Amendment No. 3 to Senate Bill 1759 (Companion House Bill 1730) is broader than the caption of the Bill?

OPINION

It is the opinion of this office that Amendment No. 3 to Senate Bill 1759 is broader than the caption and, therefore, violates Article II, Section 17 of the Tennessee Constitution; furthermore, it should be noted that Senate Bill 1759 contains no severability clause, thereby bringing into question the constitutionality of the entire Bill if enacted with Amendment No. 3.

ANALYSIS

Article II, Section 17 of the Tennessee Cosntitution provides the following:

"Bills may originate in either House; but may be amended, altered or rejected by the other. No Bill shall become a law which embraces more than one subject, that subject to be expressed in the title. All acts which repeal, revive or amend former laws, shall recite in their caption, or otherwise, the title or the substance of the law repealed, revived or amended. (Emphasis added)

The basic purpose of this constitutional provision is to prohibit omnibus bills and to put legislators and other interested persons on notice concerning the subject matter of the Bill. See *State ex rel. Blanton v. Durham*, 526 S.W.2d 109 (Tenn. 1975); *Armistead v. Karsch*, 192 Tenn. 137, 237 S.W.2d 960 (1951). The courts have generally held that a caption will be viewed as sufficient if the body of the act contains provisions germane to the subject matter expressed in the caption. See e.g., *Petty v. Phoenix Cotton Oil Company*, 150 Tenn. 292, 264 S.W. 353 (1924).

With respect to amendatory acts, the Tennessee courts have generally held that if the caption recites the title or section of law to be amended, that is sufficient. See *Donahoo v. Mason & Dixon Lines, Inc.*, 199 Tenn. 145, 285 S.W.2d 125 (1956). However, a distinction has been recognized by the Tennessee courts between the captions of amendatory acts which simply state that a particular law is to be amended, and the captions of amendatory acts which specify with particularity the amendments to be made. In the case of *Tennessee Electric Power Co. v. City of Chattanooga*, 172 Tenn. 505 at 517, 114 S.W.2d 441 (1937) the Tennessee Supreme Court stated the following:

"A statute reciting the title or substance of a former law and expressly purporting to amend the same need not indicate the particular and specific character of the amendment, if the amendment is germane to and embraced in the subject expressed in the original act . . . citing cases however, where the title of the amendatory act recites the title of the act to be amended and also specifies the amendments to be made, the legislation is

thereby limited to the amendment specified and anything in the body of the act outside of these is void."

See also, Woods v. Phillips, 558 S.W.2d 825 (Tenn. 1977).

The caption of Senate Bill 1759 provides the following:

"An Act to amend Tenn. Code Ann., 8-23-204 regarding payroll deduction of membership dues to certain organizations or associations."

Amendment No. 3 to Senate Bill 1759 provides the following:

"Any employee of the State of Tennessee who engages or participates in a work stoppage or authorizes or encourages a work stoppage may be liable to the State or any person adversely affected by the work stoppage for the actual damages incurred as the result of the work stoppage. Such employee shall be subject to suit in a court of competent jurisdiction in the county where the work stoppage occurred."

Subsection (b) (1) of T.C.A. Section 8-23-204 requires the Commissioner of Finance and Administration to cease and discontinue deducting membership dues for an organization or association under T.C.A. Section 8-23-204 if the Commissioner of Finance and Administration determines that 25% or more of the members of the organization or association in a single work location or facility have engaged in a work stoppage of any kind after June 19, 1981. Although Amendment 3 to Senate Bill 1759 might be considered germane to T.C.A. Section 8-23-204; nonetheless, the caption of Senate Bill 1759 specifies in what regard T.C.A. Section 8-23-204 is to be amended, namely payroll deduction of membership dues to certain organizations or associations. Amendment No. 3 to Senate Bill 1759 in no way relates to payroll deductions of membership dues to certain organizations or associations under T.C.A. Section 8-23-204; therefore, it is the opinion of this office that Amendment No. 3 to Senate Bill 1759 contravenes Article II, Section 17 of the Tennessee Constitution.

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The question arises that if Amendment No. 3 to Senate Bill 1759 is unconstitutional, are the other provisions of Senate Bill 1759 severable absent a severability clause within the Bill or are such provisions also invalid. In this regard, the Tennessee courts have held that "there is a presumption against sustaining the remaining part of a statute where part of the statute is held unconstitutional." Frost v. City of Chattanooga, 448 S.W.2d 370 (Tenn. 1972). Furthermore, the Tennessee Supreme Court in the City of Nashville v. Browning, 192 Tenn., 242 S.W.2d 583 (1951) stated that the general rule in this regard is that:

"Where a clause is so interwoven with other portions of the Act as that we cannot suppose the Legislature would have passed the Act with the clause omitted, then if such clause is declared void, it renders the whole Act null."

In the present case, it is the opinion of this office that Amendment No. 3. to Senate Bill 1759 is so interwoven with the remaining part of the Bill that if the General Assembly enacts Senate Bill 1759 with Amendment No. 3, then it must be presumed that the General Assembly would not have enacted Senate Bill 1759 without Amendment No. 3, thereby rendering the entire Act void.

Sincerely,

WILLIAM M. LEECH, JR.
Attorney General & Reporter

WILLIAM B. HUBBARD
Chief Deputy Attorney General

MICHAEL W. CATALANO
Assistant Attorney General

Mr. Rhinehart moved that the Report of the Conference Committee on House Bill No. 1730 be adopted and made the action of the House, which motion prevailed by the following vote:

Ayes	53
Noes	37
Present and not voting	1

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Ellis, Gaia, Hillis, Jared, Johnson, Kernell, King (Shelby), King (Washington), Lashlee, Love, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton),

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Shirley, Sir, Spence, Stallings, Starnes, Sterling, Tanner, Wallace, Wheeler, Wix, Work, Yelton and Mr. Speaker McWherter--53.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Chiles, Clark (Sumner), Copeland, Crain, Duer, duncan, Ford, Frensley, Harrill, Henry (Roane), Hudson, Hurley, Huskey, Jones, Kelley, Kent, McAfee, McNally, Montgomery, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Stafford, Usser, Webb, Whitson, Wolfe and Wood--37.

Representatives present and not voting were: Buck--1.

A motion to reconsider was tabled.

Ms. Gaia moved that the rules be suspended for the purpose of introducing House Resolution No. 157 out of order, which motion prevailed.

House Resolution No. 157--Relative to Congresswoman Patricia Schroeder of Colorado--By Gaia.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Ms. Gaia, the resolution was adopted.

A motion to reconsider was tabled.

On motion of Mr. Hudson, Senate Bill No. 1787 was recalled from the Senate for further consideration.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return Senate Bill No. 1787, as requested.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF SENATE BILL NO. 1787

Senate Bill No. 1787--To define historic performing arts center.

Mr. Hudson moved that the motion to reconsider Senate Bill No. 1787 be lifted from the table, which motion prevailed by the following vote:

Ayes	80
Noes	3
Present and not voting	2

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Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, Disspayne, Duer, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Whitson, Withers, Wix, Wood, Work and Yelton--80.

Representatives voting no were: Shirley, Small and Wolfe--3.

Representatives present and not voting were: Burnett and Ellis--2.

Mr. Hudson moved that the House reconsider its action in passing Senate Bill No. 1787 on third and final consideration, as amended, which motion prevailed.

Mr. Hudson moved that the House reconsider its action in adopting Amendment No. 2, which motion prevailed.

Mr. Hudson moved that Amendment No. 2 be withdrawn, which motion prevailed.

Thereupon, Senate Bill No. 1787, as amended, passed its third and final consideration by the following vote:

Ayes	54
Noes	37
Present and not voting	1

Representatives voting aye were: Baker, Bell (Knox), Bell (Wilson), Bewley, Bragg, Brewer, Buck, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Davis (Hamilton), DeBerry, DePriest, Disspayne, Ellis, Frensley, Gaia, Gill, Hudson, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Miller, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Sir, Spence, Sterling, Tanner, Ussery, Wallace, Webb, Withers, Work and Mr. Speaker McWherter--54.

Representatives voting no were: Akard, Bivens, Burnett, Carter, Copeland, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Duer, Duncan, Ford, Harrill, Henry (Roane), Hillis, Hurley, Huskey, Jared, McAfee, Montgomery, Percy, Richardson, Robertson, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Whitson, Wix, Wolfe, Wood and Yelton--37.

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Representative present and not voting was: Starnes--1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

2214--To amend Chapter 19, Title 48, Code.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1587--To regulate industrial development bonds.

The Senate concurred in House Amendments Nos. 2 and 4, nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Murphy (Davidson) moved that the House refuse to from its action in adopting Amendment No. 1 to Senate Bill No. 1587, which motion prevailed.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

2252--To reapportion state representative districts; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2252--To amend Section 3-1-103, Code.

SENATE AMENDMENT NO. 4

Amend House Bill No. 2252 by adding the following new section

immediately after Section 47 and by renumbering succeeding sections accordingly:

SECTION ____ . Tennessee Code Annotated, Section 3-1-103(d), is amended by deleting from the description of the fifty-first state representative district the words and figures "that portion of block 202 of census tract 211.01 which is located within the municipal of the city of Hendersonville;" and by substituting instead "block 202 of census tract 211.01;"

Mr. Burnett moved that the House concur in Senate Amendment No. 4, which motion prevailed by the following vote:

Ayes	87
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Yelton and Mr. Speaker McWherter --87.

A motion to reconsider was tabled.

Mr. Burnett moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 271 out of order, which motion prevailed.

Senate Joint Resolution No. 271--Relative to urging Congress, support legislation, issuance mortgage revenue bonds.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Burnett, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Brewer moved that the rules be suspended for the purpose of introducing House Resolution No. 156 out of order, which motion prevailed.

House Resolution No. 156--Relative to commending elected officials, Clinton--By Wheeler.

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On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Brewer, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the rules be suspended for the purpose of introducing House Resolution No. 158 out of order, which motion prevailed.

House Resolution No. 158--Relative to commending John Zeglen--By Rhinehart, Bragg and Cobb.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Rhinehart, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Brewer moved that the rules be suspended for the purpose of introducing House Resolution No. 159 out of order, which motion prevailed.

House Resolution No. 159--Relative to commending Brent Reynders--By Brewer.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Brewer, the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

156--To amend Title 4, Chapter 29 and Title 65, Code.

The Senate concurred in House Amendments Nos. 2,3,4 and 5, nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF SENATE BILL NO. 156

Senate Bill No. 156--To amend Title 4, Chapter 29 and Title 65, Code.

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Mr. Kernell moved that the motion to reconsider Senate Bill No. 156 be lifted from the table, which motion prevailed by the following vote:

Ayes	61
Noes	27

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Clark (Davidson), Clark (Sumner), Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Ellis, Ford, Gaia, Gill, Harrill, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), Lashlee, Love, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Richardson, Robinson (Hamilton), Scruggs, Sir, Small, Smith, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Wix, Wolfe and Yelton--61.

Representatives voting no were: Baker, Bell (Knox), Carter, Chiles, Cobb, Copeland, Davidson, Duer, Frensley, Henry (Roane), Kelley, King (Washington), Moore, Rhinehart, Robertson, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Shockley, Spence, Stafford, Sterling, Ussery, Wallace, Wood and Work--27.

Mr. Kernell moved that the House reconsider its action in passing Senate Bill No. 156 on third and final consideration.

Mr. Rhinehart moved that the motion be tabled, which motion failed by the following vote:

Ayes	37
Noes	50
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bewley, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Davidson, DePriest, Duer, Ford, Frensley, Gaia, Henry (Roane), Hudson, Hurley, Huskey, Jared, Kent, King (Washington), Love, McKinney, Moore, Rhinehart, Robertson, Robinson (Davidson), Severance, Shockley, Spence, Stafford, Sterling, Ussery, Wallace, Wix, Wood and Work--37.

Representatives voting no were: Bell (Knox), Bell (Wilson), Bivens, Brewer, Buck, Burnett, Byrd, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Ellis, Gill, Harrill, Hillis, Johnson, Jones, Kelley, Kernell, King (Shelby), Lashlee, McNally, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Richardson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sir, Small, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Withers, Wolfe and Yelton--50.

Representative present and not voting was: Bragg--1.

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Thereupon, Mr. Kernell's motion that the House reconsider its action in passing Senate Bill No. 156 on third and final consideration, as amended, prevailed by the following vote:

Ayes	60
Noes	30
Present and not voting	1

Representatives voting aye were: Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Harrill, Hillis, Hudson, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Lashlee, Love, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sir, Small, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Withers, Wolfe, Work and Yelton--60.

Representatives voting no were: Akard, Baker, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Duer, Ford, Frensley, Henry (Roane), Hurley, Huskey, Kent, King (Washington), McAfee, Moore, Murray, Robertson, Robinson (Davidson), Severance, Shockley, Smith, Spence, Stafford, Sterling, Ussery, Wallace, Wix and Wood--30.

Representative present and not voting was: Bewley--1.

Mr. Kernell moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed by the following vote:

Ayes	62
Noes	28

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Harrill, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), Lashlee, Love, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robinson (Hamilton), Robinson (Washington), Scruggs, Shirley, Sir, Small, Stallings, Starnes, Tanner, Webb, Wheeler, Whitson, Withers, Wolfe, Work and Yelton--62.

Representatives voting no were: Baker, Bewley, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Duer, Ford, Frensley, Henry (Roane), Huskey, Kent, King (Washington), McAfee, Moore, Robertson, Robinson (Davidson), Severance, Shockley, Smith, Spence, Stafford, Sterling, Ussery, Wallace, Wix and Wood--28.

Mr. Kernell moved that Amendment No. 1 be withdrawn, which motion prevailed by the following vote:

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Ayes 63
Noes 25

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Byrd, Clark (Sumner), Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gill, Harrill, Hillis, Hudson, Hurley, Jared, Johnson, Jones, Kelley, King (Shelby), King (Washington), Lashlee, Love, McKinney, McNally, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Pickering, Richardson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Small, Smith, Stallings, Starnes, Tanner, Webb, Wheeler, Wolfe and Work--63.

Representatives voting no were: Baker, Bragg, Carter, Chiles, Davidson, Duer, Frensley, Henry (Roane), Huskey, Kent, Kernell, McAfee, Moore, Rhinehart, Robertson, Robinson (Davidson), Shockley, Spence, Stafford, Sterling, Ussery, Wallace, Whitson, Wix, Wood and Yelton--26.

Thereupon, Senate Bill No. 156, as amended, passed its third and final consideration by the following vote:

Ayes 78
Noes 10

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hurley, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sir, Small, Smith, Stallings, Starnes, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton--78.

Representatives voting no were: Baker, Chiles, Duer, Frensley, Hudson, Huskey, Shockley, Spence, Stafford and Sterling--10.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1570--To amend Section 41-1219, Code.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 2

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The Speaker appointed a Conference Committee composed of Senators White, Koella and Davis (Shelby) to confer with a like committee from the House to resolve the differences of the two bodies on Senate Bill No. 1570.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Kent moved that the Speaker appoint a Conference Committee to meet with the Senate Committee to resolve the differences between the two bodies on Senate Bill No. 1570, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Kent, Clark (Sumner) and Turner as the Conference Committee on Senate Bill No. 1570.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

2170--To amend Section 62-617, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 2170--To amend Section 62-617, Code.

SENATE AMENDMENT NO. 2

Amend House Bill No. 2170 by adding the following language at the end of the amendatory language of Section 1:

The contractor shall be required to obtain a bond in an amount equal to the maximum monetary limitation for which the license of such person permits him to engage in as a contractor.

Mr. Wheeler moved tha the House non-concur in Senate Amendment No. 2, which motion prevailed.

SENATE AMENDMENT NO. 3

Amend House Bill No. 2170 by deleting the period (.) at the end of the first sentence of the amendatory language of Section 1 and substituting the following instead:

" ; provided, however, such applicant shall be currently doing substantial business with such references."

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Mr. Wheeler moved that the House concur in Senate Amendment No. 3, which motion prevailed by the following vote:

Ayes	85
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

597--To amend Title 7, Chapter 51, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 597--To amend Title 7, Chapter 51, Code.

SENATE AMENDMENT NO. 2

Amend House Bill No. 597 by deleting subsections (a) and (b) from the amendatory language of Section 1 and by substituting instead the following:

(a) If it is determined by the appropriate department as designated by the metropolitan governing body that any owner of record of real property has created, maintained, or permitted to be maintained on such property the growth of trees, vines, grass, underbrush or any combination of the preceding elements so as to endanger the health, safety, or welfare of other citizens or to encourage the infestation of rats and other harmful animals, the appropriate department shall provide notice to such owner of record to remedy immediately such condition. The notice shall be given by certified mail, return receipt requested, delivered to

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addressee only. The notice shall state that the owner of such property is entitled to a hearing conducted in accordance with subsection (c) of this section. The notice shall be written in plain language and shall also include but not be limited to the following elements:

1. A brief statement of this law which shall contain the consequences of failing to remedy the noted condition;

2. The person, office, address and telephone number of the department giving notice;

3. A cost estimate for remedying such noted condition which shall be in conformity with the standards of cost in the community; and

4. A place wherein the notified party may return a copy of the notice, indicating the desire for a hearing.

(b) In the event such person shall fail or refuse to remedy the condition within thirty (30) days after such notice, the appropriate department shall immediately cause such condition to be remedied or removed at a cost in conformity with such reasonable standards and the cost thereof assessed against such owner of the property. Such cost shall be a lien upon such property in favor of the metropolitan government. Such costs shall be placed upon the tax rolls of the metropolitan government as a lien upon the property and shall be collected in the same manner as the metropolitan government taxes are collected.

(c) The appropriate department of the metropolitan government shall make rules and regulations necessary for the administration and enforcement of this act, and shall provide for a hearing upon request of such person aggrieved by the determination made pursuant to subsection (a). Such hearing shall be conducted in accordance with Tennessee Code Annotated, Title 4, Chapter 5, by an appropriate board, agency, or commission as designated by the metropolitan governing body. Provided, that, a request for a hearing shall be made within fifteen (15) days following the receipt of the notice issued pursuant to subsection (a). Failure to make such request within the time specified shall without exception constitute a waiver of such right.

Any person aggrieved by an order or act of such board, agency, or commission under the provisions of this subsection may seek judicial review of such order or act as provided by Tennessee Code Annotated, Section 4-5-117. The time period established in subsection (b) shall be stayed during the pendency of a hearing.

(d) The provisions of this act shall not apply to any parcel of property upon which an owner-occupied residence is

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located or to a vacant parcel of property adjacent to and owned by the owner of such occupied residence.

AND FURTHER AMEND by adding the following new section before the effective date section and by renumbering such subsequent section accordingly:

Section _____. The provisions of this act shall only apply in any county having a metropolitan form of government.

Mr. Covington moved that the House concur in Senate Amendment No. 2, which motion prevailed by the following vote:

Ayes	83
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Stafford, Stallings, Starnes, Tanner, Ussery, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--83.

A motion to reconsider was tabled.

Mr. King (Shelby) moved that the rules be suspended for the purpose of considering House Joint Resolution No. 452 out of order, which motion prevailed.

House Joint Resolution No. 452--Relative to study, retail gas outlets.

On motion, the rules were suspended for the immediate consideration of the resolution.

Mr. King (Shelby) moved that House Joint Resolution No. 452 be adopted, which motion prevailed by the following vote:

Ayes	74
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, Dills, Disspayne, Duer, Ellis,

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Ford, Frensley, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McNally, Moore, Murray, Naifeh, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Yelton and Mr. Speaker McWherter--74.

Representative voting no was: Owen--1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1419--To amend Section 49-50-102, Code.

The Senate nonconcurred in House Amendments Nos. 1, 2 and 3.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Hudson moved that the House refuse to recede from its action in adopting amendments Nos. 1, 2 and 3 to Senate Bill No. 1419, which motion prevailed.

Mr. Henry (Roane) moved that the rules be suspended for the purpose of considering House Bill No. 2384 out of order, which motion prevailed.

House Bill No. 2384--To provide general sessions judges, certain counties.

Mr. Henry (Roane) moved that House Bill No. 2384 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	84
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson

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(Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Yelton and Mr. Speaker McWherter--84.

A motion to reconsider was tabled.

Mr. Henry (Roane) moved that House Bill No. 2375 be placed on the next Calendar, which motion prevailed.

Mr. Starnes moved that the rules be suspended for the immediate consideration of House Bill No. 2383, which motion prevailed.

House Bill No. 2383--To regulate compensation, general sessions judges, Hamilton County.

On motion, House Bill No. 2383 was made to conform with Senate Bill No. 2436.

On motion, Senate Bill No. 2436, on same subject, was substituted for House Bill No. 2383.

Mr. Starnes moved that Senate Bill No. 2383 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate bill No. 2436 by deleting the language "ninety percent (90%)" from the amendatory language of Section 1, and by substituting instead the language "eighty percent (80%)".

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 2436, as amended, passed its third and final consideration by the following vote:

Ayes	83
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Stallings, Starnes,

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Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--83.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1575--To regulate issuance, life insurance policies.

The Senate refused to recede from its action in adopting Senate Amendments Nos. 5 and 6.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Severance moved that the House refuse to recede from its action in nonconcurring in Senate Amendments Nos. 5 and 6 to House Bill No. 1575, which motion prevailed.

Mr. Severance moved that the Speaker appoint a Conference Committee to meet with a like committee from the Senate to resolve the differences between the House and Senate on House Bill No. 1575, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

The Speaker appointed Representatives Severance, Love and Tanner as the Conference Committee on House Bill No. 1575.

Mr. Baker moved that the rules be suspended for the immediate consideration of House Bill No. 2397, which motion prevailed.

House Bill No. 2397--To regulate Court of General Sessions, Madison County.

Mr. Baker moved that House Bill No. 2397 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	83
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Duer, Ellis, Ford, Frensley, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart,

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Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Small, Smith, Spence, Stallings, Starnes, Sterling, Tanner, Wallace, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --83.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1927--to regulate board and lodging, petit jurors, criminal cases; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. McAfee moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 279 out of order, which motion prevailed.

Senate Joint Resolution No. 279--Relative to honoring A.J. Kablentz.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. McAfee, the resolution was concurred in.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

2317--To set salary, probate judge, Monroe County; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2317--To set salary, probate judge.

SENATE AMENDMENT NO. 1

Amend House Bill No. 2317 by deleting in Section 1 the following language "seven thousand dollars (\$7,000)" wherever it may appear and

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by substituting "six thousand dollars (\$6,000)" in lieu thereof.

Mr. Harrill moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes	85
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Duer, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robertson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --85.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution No.:

205--Relative to adopting policy, Clinch River Breeder Reactor Project.

The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

FURTHER CONSIDERATION OF SENATE JOINT RESOLUTION NO. 205

Senate Joint Resolution No. 205--Relative to adopting policy, Clinch River Breeder Reactor Project.

Mr. Robertson moved that the motion to reconsider Senate Joint Resolution No. 205 be lifted from the table, which motion prevailed.

Mr. Robertson moved that the House reconsider its action in passing Senate Joint Resolution No. 205 on third and final consideration, as amended, which motion prevailed.

Mr. Robertson moved that the House reconsider its action in adopting Amendment No. 1, which motion prevailed.

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Mr. Robertson moved that Amendment No. 1 be withdrawn, which motion prevailed.

On motion of Mr. Robertson, the resolution was concurred in.

A motion to reconsider was tabled.

MOTION FILED UNDER RULE NO. 52

MR. SPEAKER: I wish to advise the House that at a later date I will make a motion to recall House Bill No. 1451 from the Committee on Judiciary for the purpose of placing said bill on the Calendar for third and final consideration, as provided for in Rule No. 52.

REP. RANDY McNALLY

Under the rules, the motion lies over.

MR. SPEAKER: I wish to advise the House that at a later date I will make a motion to recall House Bill No. 1955 from the Committee on Calendar and Rules for the purpose of placing said bill on the Calendar for third and final consideration, as provided for in Rule No. 52.

REP. LARRY HUSKEY

Under the rules, the motion lies over.

NOTICE PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, May 5, 1982:

House Bill No. 1927--McAfee

Senate Bill No. 2214--Murphy (Davidson)

Mr. Rhinehart moved that the Rules be suspended in order to place all remaining Senate messages on the next Message Calendar, which motion prevailed.

Mr. Burnett moved that all bills and resolutions prefiled today be properly introduced, which motion prevailed.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter,

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Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 160--Relative to commending Home Federal Savings, Knoxville--By Severance, Owen, Miller, Scruggs, Smith, Hudson and Bell (Knox).

House Resolution No. 161--Relative to commending employees, House Clerk's Office--By Burnett, Henry (Roane), McNally and Mr. Speaker McWherter.

House Resolution No. 162--Relative to commending certain House employees and Capitol Police--By Burnett, Henry (Roane), McNally and Mr. Speaker McWherter.

House Resolutions Nos. 160, 161 and 162 were referred to the Committee on Calendar and Rules.

House Joint Resolution No. 460--Relative to Public Service Commission--By Baker, Kernell and Davis (Hamilton).

House Joint Resolution No. 462--Relative to intent of General Assembly, certain funds--By Bragg.

House Joint Resolutions Nos. 460 and 462 were held on the desk.

House Joint Resolution No. 464--Relative to commending employees, Legal Services office--By Burnett, Henry (Roane), McNally and Mr. Speaker McWherter.

House Joint Resolution No. 465--Relative to commending certain legislative employees--By Burnett, Henry (Roane), McNally and Mr. Speaker McWherter.

House Joint Resolutions Nos. 464 and 465 were referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 2408--To regulate operation, hot mix asphalt

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plants--By Wix and Clark (Sumner).

Passed first consideration.

House Bill No. 2409--To regulate consumption of alcoholic beverages--By Kernell.

Passed first consideration.

House Bill No. 2410--To appropriate certain block grant funds--By Burnett and Henry (Roane).

Passed first consideration.

SENATE BILLS ON SECOND CONSIDERATION

Senate Bill No. 2102--To amend Section 54-102, Code.

Passed second consideration and referred to Committee on Transportation.

Senate Bill No. 2424--To regulate salary, General Sessions Judge, Tipton County.

Passed second consideration and held without reference.

Senate Bill No. 2434--To amend Chapter 252, Private Acts 1978.

Passed second consideration and held without reference.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 2406--To vest probate jurisdiction, Carter County.

Passed second consideration and held without reference.

House Bill No. 2407--To create Divisions I and II, Sessions Court, Sumner County.

Passed second consideration and held without reference.

STANDING COMMITTEE REPORTS

FINANCE, WAYS AND MEANS

MR. SPEAKER: Your Committee on Finance, Ways and Means begs leave to report that we have carefully considered and recommend for passage: House Bill No. 2088 (with amendment).

BRAGG, Chairman.

Under the rules, House Bill No. 2088 was transmitted to the Committee on Calendar and Rules.

MOTIONS

On motion of Mr. Wix, House Bill No. 2405 was withdrawn from the House.

On motion of Mr. Wix, House Bill No. 2407 was withdrawn from the House.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2186--Rhinehart

House Bill No. 2363--Kernell

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.:

1927--To authorize bond issuance, Funding Board; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1739--General Appropriations Bill.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

2213--To regulate redevelopment plans of housing authorities.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 3, withdraw Senate

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Amendment No. 3, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolution No.:

463--Relative to recess, Ninety-second General Assembly; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1938; House Joint Resolution No. 452 and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1918--To make certain provisions, divorces; substituted for Senate Bill on same subject, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1947--To amend Section 8-35-116 (b) (1), Code.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of S.A. No. 1, withdrew S.A. No. 1, adopted S.A. No. 3, then repassed the bill on third and final

consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 2384 and 2397; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, May 5, 1982: House Bills Nos. 2055, 2201, 2306, 1791, 2277, 2145, 2268, 1151, 2084, 2223; Senate Bills Nos. 1473, 1639; House Bill No. 2276; Senate Bill No. 2118; House Bills Nos. 2052, 697, 2375, 2272; Senate Joint Resolution No. 204; and House Bill No. 2363.

GILL, Chairman.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1592--To authorize county legislative bodies to levy certain tax.

The Senate lifted tabling motion, reconsidered passage of the bill, reconsidered adoption of Senate Amendment No. 8, withdrew Senate Amendment No. 8, adopted Senate Amendment No. 9, then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1910--To make certain provisions, litigation taxes.

Senate lifted tabling motion, reconsidered passage of bill, reconsidered adoption of Senate Amendment No. 1, as amended, withdrew Senate Amendment No. 1, as amended, adopted Senate Amendment No. 2,

then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

252--To amend Local Option Act.

The Senate appointed a new Conference Committee composed of Senators Ford, Koalla, Crockett, Atchley and White to meet with a like committee from House to resolve the differences of the two bodies on the bill.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate bill No.:

1485--To prohibit reflectorized windows, motor vehicles.

The Senate nonconcurred in House Amendments Nos. 1 and 2.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1521--To regulate retirement benefits, former governor.

The Senate adopted the Conference Committee Report and made it the action of the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

1587--To regulate industrial development bonds.

THURSDAY, APRIL 8, 1982--88th LEGISLATIVE DAY

The Senate refused to recede from its action in nonconcurring in House Amentment No. 1.

The Speaker appointed a Conference Committee composed of Senators Hicks, Ashe and Ford to meet with a like Committee from the House to resolve the differences of the two bodies on the bill.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR SPEAKER: I am directed to return to the House, Senate Bill No.:

1662--To regulate limitations, certain vehicles.

The Senate concurred in House Amendments Nos. 1, as amended, 3 and 5 and nonconcurred in House Amendments Nos. 2 and 6.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

2126--To regulate compensation, courts of general sessions.

The Senate nonconcurred in House Amendments Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 17 and 19.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following resolutions on the Consent Calendar for Wednesday, May 5, 1982: House Resolutions Nos. 160 and 161, House Joint Resolutions Nos. 464 and 465, Senate Joint Resolutions Nos. 262, 264, 265, 266, 276 and 277.

GILL, Chairman.

Mr. Burnett moved that pursuant to House Joint Resolution No. 463 the House adjourn until 12:00 o'clock noon on Wednesday, May 5, 1982, which motion prevailed.

INTERIM ACTION

APRIL 9 -- MAY 4, 1982

Pursuant to House Joint Resolution No. 463, the House stood in recess from April 8, 1982 until May 5, 1982.

The following bills and resolutions were enrolled, signed by the Speakers, transmitted to the governor, and returned from the Governor during the recess:

APRIL 13, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1525, 1733 and 1840 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 13, 1982

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 813, 1333, 1393, 1396, 1440, 1567, 1576, 1614, 1771, 1849, 1915, 1951, 1957, 2045, 2101, 2116, 2123, 2158, 2191, 2217, 2244, 2271, 2293, 2304, 2305, 2311, 2312, 2313, 2317, 2318, 2319, 2320, 2323, 2325, 2326, 2328, 2329, 2332, 2338, 2345, 2346, 2353, 2354, 2362, 2366, 2369, 2370, 2371, 2374, 2379, 2389 and 2404; House Resolutions Nos. 117, 130, 131, 132, 133, 134, 135, 136, 137, 141, 154 and 157; and House Joint Resolutions Nos. 319, 345, 366, 387, 397, 398, 416, 437, 438 and 463; and find same correctly

APRIL 9--MAY 4, 1982--INTERIM ACTION

enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

APRIL 14, 1982

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 597, 1489, 1622, 1631, 1739, 1921, 2175, 2213, 2235, 2252, 2279, 2289, 2327, 2333, 2334, 2365, 2367, 2368, 2372, 2373, 2376, 2385, 2388 and 2401; House Resolutions Nos. 146, 148, 149, 150, 151, 152, 153 and 155; and House Joint Resolutions Nos. 394, 395, 396, 420, 422, 425, 430, 433, 434, 435, 439, 440, 443, 445, 446 and 449; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

APRIL 14, 1982

MESSAGE FROM THE SENATE

MR. SPEAKER: I am direct to transmit to the House, Senate Bills Nos. 8, 292, 368, 1016, 1416, 1417, 1468, 1470, 1506, 1512, 1532, 1539, 1544, 1559, 1573, 1582, 1584, 1606, 1636, 1691, 1708, 1722, 1736, 1744, 1751, 1753, 1761, 1765, 1766, 1828, 1854, 1863, 1870, 1873, 1879, 1880, 1890, 1891, 1892, 1898, 1900, 1928, 1949, 1957, 1975, 1981, 1992, 1994, 1999, 2000, 2012, 2026, 2027, 2031, 2034, 2048, 2050, 2054, 2067, 2071, 2074, 2075, 2080, 2084, 2086, 2087, 2104, 2106, 2127, 2138, 2144, 2161, 2167, 2173, 2180, 2181, 2185, 2190, 2193, 2194, 2206, 2215, 2230, 2254, 2265, 2281, 2284, 2290, 2291, 2312, 2314, 2316, 2337, 2341, 2348, 2349, 2350, 2356, 2357, 2358, 2365, 2369, 2370, 2372, 2385, 2386, 2389, 2390, 2391, 2393, 2398, 2400, 2401, 2411, 2415, 2419, 2420, 2423, 2424, 2425, 2427, 2428, 2429, 2430 and 2434; also, Senate Joint Resolutions Nos. 81, 168, 169, 187, 205, 216, 220, 234, 245, 246, 249, 250, 252, 253, 254, 255, 256, 257, 258, 261, 263, 267, 269, 270, 271, 273, 275 and 279; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

APRIL 15, 1982

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have

APRIL 9--MAY 4, 1982--INTERIM ACTION

carefully compared House Resolutions Nos. 107, 138, 139, 142, 143, 144, 145, 156, 158 and 159; and House Joint Resolutions Nos. 392, 419, 421, 423, 427, 428, 429, 431, 432, 436, 441, 448, 450 and 454; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

APRIL 15, 1982

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 597, 813, 1333, 1393, 1396, 1440, 1489, 1567, 1576, 1614, 1622, 1631, 1739, 1771, 1849, 1915, 1921, 1951, 1957, 2045, 2101, 2116, 2123, 2158, 2175, 2191, 2213, 2217, 2235, 2244, 2252, 2271, 2279, 2289, 2393, 2304, 2305, 2311, 2312, 2313, 2317, 2318, 2319, 2320, 2323, 2325, 2326, 2327, 2328, 2329, 2332, 2333, 2334, 2338, 2345, 2346, 2353, 2354, 2362, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2376, 2379, 2385, 2388, 2389, 2401 and 2404; House Resolutions Nos. 107, 117, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158 and 159; and House Joint Resolutions Nos. 319, 345, 366, 387, 392, 394, 395, 396, 397, 398, 416, 419, 420, 421, 422, 423, 425, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 443, 445, 446, 448, 449, 450, 454 and 463.

APRIL 16, 1982

SIGNED

The Speaker announced that he had signed the following: Senate Bills Nos. 8, 292, 368, 1016, 1416, 1417, 1468, 1470, 1506, 1512, 1532, 1539, 1544, 1559, 1573, 1582, 1584, 1606, 1636, 1691, 1708, 1722, 1736, 1744, 1751, 1753, 1761, 1765, 1766, 1828, 1854, 1863, 1870, 1873, 1879, 1880, 1890, 1891, 1892, 1898, 1900, 1928, 1949, 1957, 1975, 1981, 1992, 1994, 1999, 2000, 2012, 2026, 2027, 2031, 2034, 2048, 2050, 2054, 2067, 2071, 2074, 2075, 2080, 2084, 2086, 2087, 2104, 2106, 2127, 2138, 2144, 2161, 2167, 2173, 2180, 2181, 2185, 2190, 2193, 2194, 2206, 2215, 2230, 2254, 2265, 2281, 2284, 2290, 2291, 2312, 2314, 2316, 2337, 2341, 2348, 2349, 2350, 2356, 2357, 2358, 2365, 2369, 2370, 2372, 2385, 2386, 2389, 2390, 2391, 2393, 2398, 2400, 2401, 2411, 2415, 2419, 2420, 2423, 2424, 2425, 2427, 2428, 2429, 2430 and 2434; and Senate Joint Resolutions Nos. 81, 168, 169, 187, 205, 216, 220, 234, 245, 246, 249, 250, 252, 253, 254, 255, 256, 257, 258, 261, 263, 267, 269, 270, 271, 273, 275 and 279.

APRIL 16, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1900 with his veto; the message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

The Honorable Ned Ray McWherter
Speaker of the House
19 Legislative Plaza
Nashville, Tennessee 37219

Dear Mr. Speaker,

I am returning House Bill No. 1900/Senate Bill No. 2255 with my veto.

This bill would require the State Building Commission to review proposals for leasing space for state agencies before advertising the need for space.

This is unnecessary red tape because the Department of Finance and Administration already does that. The Building Commission -- under our present rules -- already has the final say because it must approve any lease proposal accepted by a Department. Then the legislature -- which controls the Building Commission still has the final authority over the whole business, if it wishes to exercise it. That many checks of the process should be plenty.

The House Sponsor of the legislation -- Representative Shelby Rhinehart -- nevertheless has come up with a helpful notion in offering this legislation. I have suggested to him we could avoid the red tape and still get early warning of departmental leased space needs by requiring monthly reports to the Building Commission of any new leased space advertising. He agrees we should try this, at least to see if it works.

I have therefore directed the Commissioner of Finance and Administration to inform the Building Commission at each meeting of any new lease advertising which has occurred since the last meeting.

This should meet Representative Rhinehart's objective without adding unnecessary red tape. I appreciate both Representative Rhinehart's good suggestion and his willingness to try this slightly different

APRIL 9--MAY 4, 1982--INTERIM ACTION

solution.

Sincerely,

Lamar Alexander

APRIL 16, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 100, 293, 669, 1168, 1467, 1487, 1708, 1833, 2014, 2027, 2030, 2044, 2054, 2056, 2120, 2150, 2171, 2177; and House Joint Resolutions Nos. 378, 382, 383, 385, 386, 399, 401, 402, 403, 407, 408, 409, 410, 411, 412, 413, 417, 418; with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 16, 1982

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 813, 1333, 1393, 1396, 1440, 1567, 1576, 1614, 1771, 1849, 1915, 1951, 1957, 2045, 2101, 2116, 2123, 2158, 2191, 2217, 2244, 2271, 2293, 2304, 2305, 2311, 2312, 2313, 2317, 2318, 2319, 2320, 2323, 2325, 2326, 2328, 2329, 2332, 2338, 2345, 2346, 2353, 2354, 2362, 2366, 2369, 2370, 2371, 2374, 2379, 2389 and 2404; also, House Joint Resolutions Nos. 319, 345, 366, 387, 397, 398, 416, 437, 438 and 463; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

APRIL 16, 1982

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos. 156, 642, 1475, 1484, 1672, 1912, 2015, 2035, 2037, 2060, 2188, 2241 and 2421; all for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

APRIL 16, 1982

SIGNED

The Speaker announced that he had signed the following: Senate

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Bills Nos. 156, 642, 1475, 1484, 1672, 1912, 2015, 2035, 2037, 2060, 2188, 2241 and 2421.

APRIL 16, 1982

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 597, 1489, 1622, 1631, 1739, 1921, 2175, 2213, 2235, 2252, 2279, 2289, 2327, 2333, 2334, 2365, 2367, 2368, 2372, 2373, 2376, 2385, 2388 and 2401; also, House Joint Resolutions Nos. 392, 394, 395, 396, 419, 420, 421, 422, 423, 425, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 439, 440, 441, 443, 445, 446, 448, 449, 450 and 454; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

APRIL 19, 1982

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 597, 813, 1333, 1393, 1396, 1440, 1489, 1567, 1576, 1614, 1622, 1631, 1739, 1849, 1915, 1921, 1951, 1957, 2045, 2101, 2116, 2123, 2158, 2175, 2191, 2213, 2217, 2235, 2244, 2252, 2271, 2279, 2289, 2293, 2304, 2305, 2311, 2312, 2313, 2317, 2318, 2319, 2323, 2325, 2326, 2327, 2328, 2329, 2332, 2333, 2334, 2338, 2345, 2346, 2353, 2354, 2362 and 2365; and House Joint Resolutions Nos. 319, 345, 366, 387, 392, 394, 395, 396, 397, 398, 416, 419, 420, 421, 422, 423, 425, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 443, 445, 446, 448, 449, 450, 454 and 463; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

APRIL 19, 1982

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 2320, 2368 and 2369; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

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APRIL 19, 1982

REPORT OF CHIEF ENGROSSING CLERK

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 2366, 2367, 2370, 2371, 2372, 2373, 2374, 2376, 2379, 2385, 2388, 2389, 2401 and 2404; for his action.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

APRIL 19, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1845; House Joint Resolutions Nos. 346 and 404 without his signature.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

The Honorable Ned Ray McWherter
Speaker of the House of Representatives
19 Legislative Plaza
Nashville, Tennessee 37219

Dear Mr. Speaker:

I am returning House Bill No. 1845/Senate Bill No. 1762 without my signature.

This bill would permit the State Building Commission to open bids for state construction projects in the Grand Division of the State where each project is located. Presently, all bids are opened in Nashville, the official place of business of the State Building Commission.

The present bid opening procedures are satisfactory. If the State Building Commission were to begin the practice of opening bids in cities other than Nashville, it would cost the taxpayers over \$50,000 a year. There are better ways to spend this money. However, since this bill is clearly permissive and not mandatory, I am returning it without my signature, and as a member of the State Building Commission, I will recommend the Commission continue its present practice of opening all bids in Nashville.

Sincerely,

Lamar Alexander

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House Bill No. 1845 becomes law without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

House Joint Resolution Nos. 346 and 404 become effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

APRIL 19, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 2082, 2118, 2148, 2320, 2368 and 2369 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 21, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1457 without his signature.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

The Honorable Ned Ray McWherter
House of Representatives
19 Legislative Plaza
Nashville, Tennessee 37219

Dear Mr. Speaker,

I am returning House Bill No. 1457/Senate Bill No. 1519 without my signature.

This bill increases the pensions of retired legislatures by \$120 per year for each year of service.

Generally, I have not interfered with the Legislature's decisions about its own pay, pensions and expenses. I have taken this attitude because of my respect for the strong separation of powers doctrine in Tennessee's Constitution. It is the Legislature's business.

Of course, it is ultimately the business of the taxpayers. It is between each legislator and his voting constituents whether a 50%

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increase in pensions is appropriate under today's circumstances.

Sincerely,

Lamar Alexander

House Bill No. 1457 becomes law without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

APRIL 23, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 2175, 2326, 2327 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 23, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 597, 1576, 1614, 1622, 1915, 1951, 2045, 2123, 2158, 2235, 2311, 2312, 2319, 2323, 2329, 2338, 2346, 2353, 2362; and House Joint Resolutions Nos. 387, 392, 394, 395, 396, 397, 398, 419, 420, 421, 422, 423, 425, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 443, 445, 446, 448, 449, 450, 463; with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 26, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1631 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

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APRIL 27, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 813, 2372 and 2373 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 28, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1333, 1393, 1440, 1489, 2116, 2217, 2271, 2279, 2293, 2304, 2305, 2313, 2317, 2318, 2325, 2328, 2332, 2333, 2334, 2345, 2354, 2365, 2366, 2367, 2370, 2371, 2374, 2376, 2379, 2385, 2388, 2401 and 2404 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 29, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1957 with his veto; veto message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Speaker,

I am returning House Bill No. 1957/Senate Bill No. 2223 with my veto. I am taking this action with the concurrence of the sponsors of the bill.

As introduced, the purpose of this bill was to amend Tennessee Code Annotated, Section 40-3701 to make it clear that the circuit courts of this State have jurisdiction to restore citizenship rights to persons who were convicted of crimes and rendered infamous in federal courts. However, the bill as amended provides that the circuit courts of this State have no jurisdiction to restore citizenship rights to any person whose conviction was obtained in a court having jurisdiction in this State. This would effectively do away with the opportunity of persons

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convicted in Tennessee to petition the court for restoration of their citizenship while permitting persons who were convicted in other states to get this relief.

The sponsors of the bill did not intend this result.

Sincerely,

Lamar Alexander

APRIL 29, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1396 and 2252 with his signature; (message is attached).

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Speaker,

I have signed House Bill No. 1396/Senate Bill No. 1622, and I am returning it herewith along with this message.

It is important to understand that this bill does not require prayer in public schools. It does require at the beginning of each school day that there be one minute of silence. During that silence, a student may pray, meditate or otherwise consider his personal beliefs or do nothing. The bill accommodates religious beliefs, but does not advance them.

I have signed this bill even though I generally think it makes more sense to leave such matters up to the local school boards as the present law does.

Sincerely,

Lamar Alexander

Dear Mr. Speaker,

I am returning House Bill No. 2252/Senate Bill No. 1707 with my signature. This is the third House redistricting bill prepared in the last year. I was forced to veto the first plan and returned the second one without my signature.

This bill changes the second plan passed last year in 46 different ways. Most of these changes are technical in nature. These changes have not improved the house districts because there are still 53 split counties in this plan and the standard population deviation is greater than the second plan.

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In my message last year concerning the second plan, I expressed my concern that there were too many split counties. I still have this concern. However, I have signed this bill because I do not believe that the Legislature, on its own initiative, intends to improve this plan significantly.

Sincerely,

Lamar Alexander

APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1567, 2191, 2213 and 2389 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1739 with his approval; message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Speaker,

I am returning herewith House Bill No. 1739/Senate Bill No. 1926 which I have signed with the deletion and reduction of certain items and a very small reduction of all other appropriations in the bill in accordance with Article III, Section 18 of the Tennessee Constitution. During my term as Governor, I have used the veto power rarely. It should be used only for major issues when I have a strong disagreement with action taken by the Legislature.

The General Appropriations Bill, as presented to me by the Legislature, contained expenditures which are approximately \$6,800,000 in excess of our anticipated revenues for FY 1982-83. In the bill, the Legislature directed the Commissioner of Finance and Administration to make across-the-board reductions to bring the budget into balance. A reduction of this magnitude would have a significant impact on certain State programs that have already absorbed significant reductions in the past three budgets. I believe a combination of selective deletions and reductions with a smaller

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across-the-board reduction will bring the budget into balance and not cause an undue hardship on individual programs.

Accordingly, I have made an across-the-board reduction of a .1% in every budget item which amounts to a \$2,000,000 reduction. I have made other deletions and reductions which total approximately \$3,900,000. The bill includes other items in excess of \$1,000,000 which are subject to the approval of the Commissioner of Finance and Administration and the remaining excess expenditures can be brought into balance when he makes his decision on those items.

With this action, the budget is in balance and honors the Legislature's priorities.

Following are the specific items deleted or reduced:

1. Section 11, Item 44 - This item directs that special education funds be allocated on the same formula as they have in the past.
2. Section 11, Item 56 - This item appropriates \$250,000 to preplan a library for Tennessee Technological University. I am reducing the appropriation to \$100,000. If the conditions of the appropriation are met, this will provide sufficient funds in this budget year for the preplanning work than can be done.
3. Section 12, Item 18 - This item appropriates \$166,667 for the first year's debt service on general obligation bonds to create a revolving fund for energy conservation projects. This is not a pressing need at a time when the Legislature and I are trying to reduce the state debt; therefore, the debt service appropriation is not required.
4. Section 12, Item 24 - This item appropriates \$27,500 to replace federal funding of the Education Information Center. Because the Tennessee Higher Education Commission did not recommend this activity at the level of funding presented in the Budget Document, I am deleting this item.
5. Section 12, Item 33 - This item appropriates \$15,000 to the Department of Human Services to fund the Emergency Family Shelter programs in Middle Tennessee. I am deleting this item because the department can fund this program through the social services block grant. Separate funding should not be provided for only one area of the state.
6. Section 12, Item 40 - This item appropriates \$116,000 for the study, research and treatment of sickle cell anemia, and allocates \$91,000 to Meharry Medical College and \$25,000 to the Memphis Regional Sickle Cell Council, Inc. The current state support for this activity is allocated 67.6% to Meharry and 32.4% to the Memphis Council. With an increase of \$25,000 for Memphis, an increase of \$52,000 at Meharry maintains that balance; therefore, I am reducing the allocation to Meharry to \$52,000.

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7. Section 12, Item 44 - This item appropriates \$105,000 to the Tennessee Historical Commission. An increase of \$27,000 leaves sufficient funds for the Commission to provide for the historical society publications, and the appropriation is reduced accordingly.

8. Section 12, Item 50 - This item appropriates \$8,400 for a contract with the Southern Regional Education Board to provide two spaces at the Southern College of Optometry. The Tennessee Higher Education Commission did not recommend this item at the funding level recommended in the Budget Document, and I am deleting the appropriation.

9. Section 12, Item 56 - The purpose of this item is to compensate a former correction official for damages against him after he was found guilty of violating a prisoner's civil rights. The Attorney General has ruled that this type of appropriation is improper. The Board of Claims would probably have denied payment if he had applied for compensation under Chapter 717, Public Acts of 1982.

10. Section 12, Item 60 - This item appropriates \$32,500 to the John A. Gupton College to fund twenty-three slots for students of mortuary science. I am reducing the appropriation to zero because the language of the item provides for the funds to come from non-expended funds appropriated for other contractual programs with private institutions. The base appropriation for contract education programs should be adequate to provide for this legislative priority and additional funds are not required.

11. Section 51 and Section 1, Title III-21 - These items appropriate \$7,000,000 for the state employees' group insurance program and allocate \$3,000,000 of the appropriation to institutions of higher education. The appropriations are reduced by \$1,800,000 since the State Group Insurance Committee approved medical rate increases which resulted in the full \$7,000,000 appropriation not being needed.

12. Section 53 - This section includes nine separate appropriation items which total \$4,947,5000. For the purpose of exercising my line item veto authority under Article III, Section 18 of the Tennessee Constitution, the Department of Finance and Administration first mathematically calculated the amount of dollars appropriated in each separate item by multiplying the original appropriation by the percentage fixed by the Legislature. The appropriation of \$99,940 for the Joint Institute for Heavy Ion Research is vetoed because it was not recommended by the Tennessee Higher Education Commission and it is outside the formula. The appropriation of \$18,306 to the Children's Services Commission is left intact. The other appropriations are funded at an 80% level with a further reduction of \$443,594 in the appropriation for AFDC grants. Because of lower than expected costs, the base appropriation for AFDC grants should be adequate to replace the reduced funds of \$443,594. This will enable the Department of Human Services to provide 80% of the additional funds intended for

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AFDC grants.

Sincerely,

Lamar Alexander

APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1849 with his veto; message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Speaker,

I am hereby returning House Bill No. 1849/Senate Bill No. 1973 with my veto.

This piece of legislation includes an appropriation. With the support of the General Assembly I have always vetoed appropriations that were not a part of the appropriations bill. To do otherwise would throw the entire appropriation process into disorder.

The purpose of this bill is to appropriate money to fund the completion of a public water resources study. However, the Legislature has also made an appropriation for this purpose in the appropriations bill where it is made subject to the Department of Finance and Administration's determination that there are sufficient funds in the budget to pay this project.

Sincerely,

Lamar Alexander

APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 1921 with his approval; message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 9—MAY 4, 1982—INTERIM ACTION

Dear Mr. Speaker,

I have signed House Bill No. 1921/Senate Bill No. 1958 and return it herewith.

This bill provides an incentive to produce gasohol in Tennessee by lowering the tax that distributors and dealers will have to pay. This bill will have little impact upon Tennessee under today's circumstances. However, this bill needs to be monitored and watched carefully because it could have a significant effect on state revenue if it becomes more financially advantageous to produce gasohol on a larger scale. Other states that have passed this type of bill have modified or repealed their laws after experiencing significant losses of revenue.

Sincerely,

Lamar Alexander

APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 2101 with his veto; message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Speaker,

I am returning House Bill No. 2101/Senate Bill No. 2174 with my veto. This action is based upon my firm belief that the present way the Commission conducts its business is unconstitutional and inefficient. This body is a classic example of an originally worthwhile idea that has been stretched far beyond its original purpose and which has become outmoded and a clear example of governmental bureaucracy and red tape.

This bill alters the composition of the Commission. It is in response to an Attorney General's opinion issued on March 16, 1982 which ruled that the Speaker of the Senate and the Speaker of the House of Representatives could not constitutionally serve on the Commission.

The Commission was originally created in 1955. The sponsors of the original bill stated that its purpose was to unify the State's building program and to eliminate inefficiency. Prior to that time, a separate commission was created for each individual building project or bond issue. Architects hired for these projects would be their own bosses, and nobody had any consistent idea of the status of various projects.

The original Commission consisted of the Governor, the Director of the Budget, the head of the executive agency for whose benefit the project was planned, the Attorney General and the Comptroller. In 1967, when the Legislature began to assert its independence from the Executive Branch, the Speaker of the House of Representatives and the Speaker of the Senate were added as members. This bill again alters the composition of the Commission by removing the Attorney General and the head of the agency involved in the project and replaces them with the Secretary of State and the State Treasurer.

My first objection to this bill is that it ignores the Attorney General's opinion and maintains the unconstitutional composition of the Commission. There is not much question that Article II, Section 10 of the Tennessee Constitution prohibits the Speaker of the Senate and the Speaker of the House of Representatives from serving on the Commission. Further, the active participation by legislators and state officers appointed by the Legislature on a Commission required to make day-to-day executive, management decisions, in my opinion, violates the separation of powers doctrine contained in Article II, Sections 1 and 2 and Article III, Section 1 of the Tennessee Constitution. While it is beyond question that our state constitution vests in the Legislature total authority to pass laws, appropriate funds and to set policy, the responsibility to carry out the laws passed by the Legislature and to manage and administer the programs of state government is vested in the Executive Branch. In law and in practice, the State Building Commission presently manages in minute detail the State's programs involving the construction of state buildings, the purchase and disposal of state property and the lease of real property for the use of state agencies. These are executive duties, not legislative ones.

My second objection is based upon the operational difficulties created when vital state programs are managed by a seven-member committee. Management by committee is unwieldy and cumbersome and deprives the taxpayers of quick accountability for decisions.

The people who originally proposed the creation of the Commission did so to establish a centralized control over the State's building program. This was a good idea then and is a good idea now, but the Commission is no longer needed to perform this function. Since the original Commission was established, the Department of Finance and Administration was created. This executive agency, headed by a commissioner appointed by the Governor, has the responsibility for the centralized coordination and control over the expenditure of state funds. Further, by law, the Department of Finance and Administration is required to approve and oversee construction projects and real property transactions involving the State. This agency does exactly what the Legislature wanted in 1955. Employees of the Department of Finance and Administration serve as staff to the State Building Commission and thus their expertise is available to the Executive Branch in the same way it is available to the Commission.

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This bill also fails to recognize the changes in the construction industry which have occurred during the last 27 years. The delays resulting from trying to manage a state construction project with a committee are costly to the taxpayers and put unfair burdens on the contractors, architects, engineers, and material suppliers doing business with the State. The State can no longer afford this inefficiency. It now takes months, if not years, to get a design approved. It takes months to get project changes approved. It takes months for companies doing business with the State to get paid. These delays result from the fact that many decisions must wait for the Commission to meet and act. They could be made quicker by responsible officials who already have the expertise to make them.

While I am advocating that many of the Commission's duties could be performed better by the Executive Branch, I believe that the Legislature should play a vital role in state construction projects and transactions involving real property. No project can be constructed unless the Legislature appropriates the funds or authorizes the bonds to build it. As it does now, the Legislature, in the appropriation process, can specifically authorize projects. The Legislature can require the Executive Branch to report periodically on the status of various projects and, if it does not concur with the way the project is being managed, it can refuse to appropriate additional funds. By enacting laws, the Legislature can also establish policies and procedures which must be used by the Executive Branch to conduct this part of the State's business.

The Legislative and Executive Branches of government, recognizing each other's constitutional roles, can work in harmony to develop a system which will enable the State to operate a real property management and construction program that will be efficient and cost effective. I stand ready to work with the Legislature to develop such a program.

Sincerely,

Lamar Alexander

APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 2244 without his signature; message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Speaker:

I am today acting on three pieces of legislation involving truck weights, lengths and penalties.

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1. I have vetoed Senate Bill No. 1672/House Bill No. 1566. It amended the truck weight, length and load laws to provide special treatment and excessive weight tolerances for some heavy trucks.

These provisions undo the good the Legislature did last year when it established stiff penalties for overweight vehicles that were tearing up our roads.

These penalties have for the first time in our State's modern history gotten off the road trucks loaded to 100,000 or 125,000 pounds and forced then to respect weight and length laws that are consistent with national standards.

2. I have allowed House Bill No. 2244/Senate Bill No. 2123, the bill permitting twin trailer trucks on our interstate highways, to become law without my signature.

I have opposed this legislation whenever it came up in the General Assembly the last four years.

But, the reasons for my opposition are diminishing and are not sufficient to cause me to try to override the Legislature's judgment.

Recent court decisions have made it difficult to find a rational basis to exclude twin trailers from interstate highways. They are not more damaging to the highways than single trailer trucks the same weight and length. It is hard to prove they are not as safe.

This legislation limits their operation to the interstates and to approved routes to terminals.

One of Tennessee's great advantages in the competition to attract new jobs is its central location. Transportation costs are less. To prohibit twin trailers while most states don't could very well discourage Tennessee's future as a prime location for warehousing and distribution as well as a headquarters for national manufacturers.

3. I have signed House Bill No. 1567/Senate Bill No. 1673 which sets the penalties for improper distribution of axle weight on interstate highways.

Sincerely,

Lamar Alexander

House Bill No. 2244 becomes law without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

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APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bill No. 2289 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

APRIL 30, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 416 without his signature; message is attached.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Dear Mr. Speaker,

I am returning House Joint Resolution No. 416 without my signature.

The resolution creates a Tennessee Hall of Fame which will be located within the jurisdiction of the Tourist Association of the Upper Cumberland. While I agree that prominent citizens of Tennessee should be appropriately honored for their contributions to the State, the Nation and the World, I believe that state government should be very cautious about the way a Hall of Fame or any other similar institution is established. Clear guidelines should be established and the responsibility for the maintenance and operation of the facility should be carefully spelled out with reference to the limited public resources available for this project.

Sincerely,

Lamar Alexander

House Joint Resolution No. 416 becomes effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

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MAY 3, 1982

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolutions Nos. 319, 345, 366 and 454 without his signature.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

House Joint Resolutions Nos. 319, 345, 366 and 454 become effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.